

CHARTER
OF THE
City of Salisbury
WICOMICO COUNTY, MARYLAND

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SALISBURY

ARTICLE I

Incorporation and General Government

Section SC1-1. Incorporation.

The inhabitants of the City of Salisbury, in Wicomico County, Maryland, are hereby constituted a body corporate by the name of the “City of Salisbury,” and by that name shall have perpetual succession, sue and be sued, have and use a common seal which may be altered at pleasure and have all powers and privileges incident to or that may attach to a municipal corporation. The repealing of the former Section 258 of Article 23 of the Code of Public Local Laws of Maryland (1930 Edition) and the enactment of this new section shall not be construed as terminating the existence of the corporation known as the “Mayor and Council of Salisbury,” and creating a new corporation by the name of the “City of Salisbury,” but shall be construed as continuing the existence of the corporation known as the “Mayor and Council of Salisbury” and changing its name to that of the “City of Salisbury.” (1959 Code, sec. 281. 1951, ch. 534, sec. 1.)

Section SC1-2. Corporate limits. (See notes (1) and (28))

The courses and distances showing the exact corporate limits of the City of Salisbury shall be filed at all times with the Clerk of the Circuit Court for Wicomico County and the Director of the Department of Legislative Reference [Services]. In addition, a copy of the courses and distances describing the corporate boundaries shall be on file in the City offices. All such descriptions of corporate boundaries shall be recorded and filed in a suitable book or place, properly indexed and reasonably available for public inspection during normal business hours. (1959 Code, sec. 282. 1951, ch. 534, 2.) (Amended 8-13-56 by Ord. No. 750; 5-2-60 by Ord. No. 798; 2-26-62 by Res. No. 9; Amended 7-7-83 by Res. No. 248; Amended 3-14-85 by Res. No. 266; Amended 9-26-85 by Res. No. 273; Amended 1-9-86 by Res. No. 275; Amended 9-11-86 by Res. No. 282; Amended 1-12-89 by Res. No. 326; Amended 3-10-89 by Res. No. 330; Amended 4-14-89 by Res. No. 332; Amended 5-25-89 by Res. No. 336; Amended 8-10-89 by Res. No. 341; Amended 8-10-89 by Res. No. 342; Amended 10-31-89 by Res. No. 350; Amended 6-11-98 by Res. No. 597; Amended 9-24-98 by Res. No. 605; Amended 11-26-98 by Res. No. 613; Amended 5-6-98 by Res. No. 631; Amended 5-27-99 by Res. No. 635; Amended 12-23-99 by Res. No. 669; Res. No. 759, 6-7-01; Res. No. 784, 11-22-01; Res. No. 812, 3-28-02.)

Sections SC1-3 through SC1-16. Reserved. (See note (2))

Section SC1-16.1. Reserved. (See note (3))

Section SC1-17. Applicability.

All of the provisions of the Constitution of the State of Maryland and the Charter of the City of Salisbury and other local laws applicable to the City of Salisbury, and all the existing ordinances of the City of Salisbury, are hereby extended and made applicable to such portions of

Wicomico County as shall be annexed to and made part of the City of Salisbury. (1959 Code, sec. 283. 1951, ch. 534, sec. 3.)

Section SC1-18. Inhabitants.

All of the inhabitants of the territory included within the limits of the City of Salisbury by this Charter shall in all respects and to all intents and purposes be subject to the powers, jurisdiction and authority vested or to be vested by law in the City of Salisbury, and to all the ordinances now in force so far as the same may be consistent with the provisions of this Charter, and the territory so included shall in all respects be taken and considered as part of the City of Salisbury. (1959 Code, sec. 284. 1951, ch. 534, sec. 4.)

Section SC1-19. Form of government.

The government of the City of Salisbury shall be vested in a Mayor and five (5) Councilmen to be elected as hereinafter provided. There shall be a Department of Finance, a Department of Law, a Department of Public Works, a Police Department, a Fire Department and such other departments as the Council may establish. (1959 Code, sec. 285. 1951, ch. 534, sec. 5.)

Section SC1-20. Districts.

The City shall be divided into District 1 and District 2 for electing the members of the City Council. The voters in District 1 shall nominate and elect one (1) Councilmember; and the voters in District 2 shall nominate and elect four (4) Councilmembers. The boundaries of each District shall be fixed by the Council from time to time by ordinance and a description of the District boundaries shall be on file in the City offices, reasonably available for public inspection during normal business hours. (Added 12-28-93 by Res. No. 440.)

ARTICLE II

The Council

Section SC2-1. Number; selection; term.

All legislative powers of the city shall be vested in a Council of five (5) members who shall be elected as hereinafter provided and who shall hold office for a term of four (4) years or until their successors are duly elected and qualified. The regular term of Councilmen shall expire on the second Monday after the election of their successors. Councilmen holding office on January 1, 1952, shall continue to hold office for the term for which they have been elected. Their successors shall be elected for such terms as provided in Section SC6-15 of this Charter. (1959 Code, sec. 286. 1951, ch. 534, sec. 6.)

Section SC2-2. Qualifications.

Councilmembers shall have resided in Salisbury for at least one (1) year immediately preceding their election and the Councilmember from District 1 and the Councilmembers from District 2 shall reside in the boundaries of their respective District on the date of filing for election and must continue to reside therein during the term to which they are elected, must be at least twenty-one (21) years of age and shall be qualified registered voters of the city. The Board of Supervisors of Elections shall be the judge of the qualifications of candidates for City Council. (1959 Code, sec. 287. 1951, ch. 534, sec. 7.) (Amended 2-14-72 by Res. No. 155; 12-28-93 by Res. No. 441.)

Section SC2-3. Salary.

Each Councilmember shall receive a salary. A Salary Review Committee comprised of five (5) members to be appointed by the Mayor is hereby created to review salaries of Councilmembers. The Committee shall make a written recommendation to the City Council six months prior to the next election for Councilmembers, with salaries to be effective in the fiscal year after all five Councilmembers' current terms have expired. Salary recommendations shall be considered by the City Council and salary shall be set forth and adopted in an Ordinance passed by the City Council. Thereafter, a Salary Review Committee shall be appointed by the Mayor every four (4) years to perform the task set forth herein with salaries to be established by the City Council by Ordinance. Councilmembers may also be eligible to participate in benefit programs by paying the full cost of participation in the employee benefit programs. Nothing herein shall permit salaries or benefits to be changed to be effective during the term for which a Councilmember is then serving. The Committee established herein shall be the same Committee established for a similar review of the salary of the Mayor. (1959 Code, sec. 288. 1951, ch. 534, sec. 8.) (Amended 7-12-65 by Res. No. 59 (See note (4)); 11-12-73 by Res. No. 172 (See note (5)); 12-14-81 by Res. No. 232; 12-28-93 by Res. No. 439; 4-13-10 by Res. No. 1890; 4-16-11 by Res. No. 2036.)

Section SC2-4. Meetings.

The newly elected Council shall meet on the second Monday evening following its election for the purposes of organization, after which the Council shall meet regularly at such times as may be prescribed by its rules but not less frequently than twice a month, except the Council may meet once during the months of June, July, August and December. Special meetings may be called in writing by the Mayor or by a majority of the members of the Council as often as necessary for the transaction of business. (1959 Code, sec. 289. 1951, ch. 534, sec. 9; Res. No. 684, 2-01-00; Res. No. 1186, 3-15-05.)

Section SC2-5. Quorum.

A majority of the Council shall constitute a quorum for the transaction of business, and a majority of those present shall decide any question unless otherwise provided in this Charter. (1959 Code, sec. 290. 1951, ch. 534, sec. 10.)

Section SC2-6. Procedure.

The Council shall organize by electing a permanent President and Vice-President of the Council. If the President is absent, the Vice-President shall preside at such meeting. The Council shall determine its own rules and order of business. It shall keep a journal of its proceedings, and the journal shall be open to public inspection. (1959 Code, sec. 291. 1951, ch. 534, sec. 11; Res. No. 622, 2-16-99.)

Section SC2-7. Vacancies.

Vacancies in the Council shall be filled as provided in § SC6-12 of this Charter. (1959 Code, sec. 292. 1951, ch. 534, sec. 12; Res. No. 1247, 7-12-05.)

Section SC2-8. Departments.

The Council by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. The Council by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency. (1959 Code, sec. 293. 1951, ch. 534, sec. 13.)

Section SC2-9. Salaries of officers and employees.

The Council shall fix the salaries of all employees and appointees of the City of Salisbury, including the salaries of all heads of offices, departments or agencies, but not including the salary of the Mayor or Councilmen or other elected officials. (1959 Code, sec. 294. 1951, ch. 534, sec. 14.)

Section SC2-10. Procedure for discharge of certain department heads.

All department heads shall serve during good behavior and shall be dischargeable only for cause. "Cause" is hereby defined to mean either incompetency, inefficiency; neglect of duty; malfeasance, misfeasance; insubordination; habits or traits of character which render retention in employment to be against the public interests; material violation of the City's drug and/or alcohol use policies as established from time to time; a continuing mental or physical disability of such a nature as to prevent adequate performance of duties (subject to applicable federal or state laws prohibiting discrimination against disabled individuals); or any conduct tending to prejudice good government or tending to bring the City, or any agency thereof, into public disrepute.

If the Mayor decides that a department head should be terminated, then the Mayor shall serve a written notice upon the department head at least thirty (30) days in advance of the intended termination date. The written notice shall set forth a brief summary of the cause or causes upon which such termination is based. Within five (5) days after receipt of such notice, the department head may elect to have a hearing on such termination by serving a written notice

of such election upon the City Administrator, in which event the department head's termination shall be deferred until a decision is rendered in connection with the hearing. A hearing before the Mayor and City Council will then be scheduled within twenty (20) days from the date of the service of notice of the election by the department head. The hearing shall be closed to the public and be conducted in accordance with such rules and procedures as may be proposed by the Mayor and adopted by the Council, from time to time. Sworn testimony may be provided at that time.

After the conclusion of the hearing, the Mayor and Council may privately deliberate before rendering a decision; provided however, that a written decision must be rendered within five (5) days from the conclusion of the hearing. In order to uphold the termination of the department head, the vote of the Mayor and at least three (3) votes of the Council must be in favor of termination.

The Mayor shall have the power to suspend without pay any department head upon whom a notice of termination has been served pending the outcome of the termination hearing before the Mayor and Council. If the termination is not upheld, nothing herein shall prevent the Mayor from taking other disciplinary action with respect to the department head. (1959 Code, sec. 295.) (Added 9-9-57 by Ord. No. 765A as sec. 14A; Res. No. 1247, 7-12-05.)

Section SC2-11. Ordinances.

When any ordinance is introduced for passage by the Council, it shall be read but not passed at the meeting at which it is introduced. As soon thereafter as conveniently [as] may be, a statement of the substance of the ordinance shall be published by posting the same at some public place in the City of Salisbury (or by printing the same in some newspaper of general circulation printed in the City of Salisbury). At any regular or special meeting of the Council held not more than sixty (60) nor less than six (6) days after the meeting at which the ordinance was introduced and first read, the ordinance shall be read for a second time and passed, or amended and passed, or rejected, or its consideration deferred to some specified future date by the Council, provided that no ordinance shall be passed until it has been published as required by this section for at least five (5) days. (1959 Code, sec. 296. 1951, ch. 534, sec. 15.)

Section SC2-12. Veto.

All ordinances and bylaws passed by the Council shall be delivered by the City Clerk at once, or as soon as conveniently may be, to the Mayor for his approval. The Mayor shall return the same to the City Clerk within six (6) days after delivery to him (inclusive of the day of delivery and of return) with his approval or disapproval. Any ordinance or bylaw returned by the Mayor without his approval shall not become a law unless subsequently passed at a meeting by four-fifths (4/5) of the whole Council within twenty (20) days from the time of the return of the ordinance. If the Mayor fails to return the ordinance or bylaw within six (6) days of its delivery as aforesaid, then the ordinance or bylaw shall become a law without his approval. (1959 Code, sec. 297. 1951, ch. 534, sec. 16.)

Section SC2-13. File of ordinances.

Ordinances, when passed and approved by the Mayor or when passed over his veto, shall be permanently filed by the City Clerk in a book or books kept for that purpose. (1959 Code, sec. 298. 1951, ch. 534, sec. 17.)

Section SC2-14. Ordinances to be delivered to People's Court.

The City Clerk shall deliver to the Judge of the People's Court of Wicomico County a certified copy of all ordinances for the violation of which the Judge may impose a fine or imprisonment, or both, or other punishment. The Judge shall take judicial notice of all ordinances so certified to him and of the due passage thereof. (1959 Code, sec. 299. 1951, ch. 534, sec. 18.)

Section SC2-15. General powers.

The Council shall have the power to pass all such bylaws and ordinances not contrary to the Constitution, the laws of Maryland or this Charter, as it may deem necessary for the good government of the city; for the protection and preservation of the city's property, rights and privileges; for the preservation of peace and good order and for securing persons and property from violence, danger or destruction; and for the protection of the health, comfort and convenience of the residents of Salisbury and visitors thereto and sojourners therein. (1959 Code, sec. 300. 1951, ch. 534, sec. 19.)

Section SC2-16. Referendum.

If, before the expiration of twenty (20) calendar days following the approval of any ordinance or resolution by the Mayor or passage of any ordinance or resolution over the Mayor's veto, a petition is filed with the City Clerk containing not less than twenty per cent (20%) of the qualified registered voters of the City of Salisbury requesting that the ordinance or resolution, or any part thereof, be submitted to a vote of the qualified voters of the City of Salisbury for their approval or disapproval, the Council shall have the ordinance or resolution, or part thereof requested for referendum, placed on the ballot of the next regularly scheduled election, or at a special election for the sole purpose of the referendum if the Council deems such a special election warranted. Moreover, the Council, if it so chooses, may pass legislation subject to a referendum which will necessitate a vote to approve or disapprove the legislation prior to its enactment as valid law. Additionally, no ordinance or resolution shall become effective following the receipt of a petition set forth herein until and unless approved at the election by a majority (more than 50%) of the electorate participating in the voting on the question. However, the Council, as a stated purpose, may designate an ordinance or resolution to be emergency legislation which shall become effective at approval by the Mayor or upon passage by the Council over Mayor's veto for a period of sixty (60) days following the receipt of a petition as set forth above. If such emergency legislation has not been submitted to the qualified voters within sixty (60) days following the receipt of the petition, the operation of the ordinance or resolution, or the part thereof requested for referendum, shall be suspended until approved by a majority (more than 50%) of the electorate participating in the election on the question. Nothing

herein shall permit the electorate to petition for referendum regarding any of the following: (1) the budget ordinance; (2) the assessment of taxes; (3) the issuance of bonds; (4) the levying of taxes to retire public indebtedness; and (5) the levying of special assessments. However, the Council may, at its discretion, submit any of the referenced issues to the public by express grant at the time of the passage of the Ordinance. (Added 12–28–93 by Res. No. 437.)

ARTICLE III

The Mayor

Section SC3–1. Term.

The Mayor shall be elected as hereinafter provided and shall hold office for a term of four (4) years or until his successor is elected and qualified. The regular term of the Mayor shall expire on the second Monday after the election of his successor. The Mayor holding office on January 1, 1952, shall continue to hold office for the term for which he has been elected. His successor shall be elected for such term as provided in § SC6–15 of this Charter. (1959 Code, sec. 301. 1951, ch. 534, sec. 20.)

Section SC3–2. Qualifications.

The Mayor must have resided in Salisbury for at least one (1) year immediately preceding his election, must be at least twenty-one (21) years of age and must be a qualified voter of the city. (1959 Code, sec. 302. 1951, ch. 534, sec. 2.) (Amended 2–14–72 by Res. No. 154.)

Section SC3–3. Salary.

The Mayor shall receive a salary. A Salary Review Committee comprised of five (5) members to be appointed by the Mayor is hereby created to review the salary of the Mayor. The Committee shall make a written recommendation to the City Council six months prior to the next election for Mayor, with the Mayor’s salary to be effective in the fiscal year after the Mayor’s current term expires. Salary recommendations shall be considered by the City Council and salary shall be set forth and adopted in an Ordinance passed by the City Council. Thereafter, a Salary Review Committee shall be appointed by the Mayor every four (4) years to perform the task set forth herein, with salary to be established by the City Council by Ordinance. The Mayor may also be eligible to participate in benefit programs by paying the full cost of participation in the employee benefit programs. Nothing herein shall permit the Mayor’s salary or benefits to be changed to be effective during the term for which the Mayor is then serving. The Committee established herein shall be the same Committee established for a similar review of the salary of the Councilmembers. (1959 Code, sec. 303. 1951, ch. 534, sec. 22.) (Amended 7–12–65 by Res. No. 59 (See note (4)); 11–12–73 by Res. No. 172 (See note (5)); 12–14–81 by Res. No. 231; 12–28–93 by Res. No. 439; 4–13–10 by Res. No. 1890; 4–16–11 by Res. No. 2036.)

Section SC3–4. Powers.

A. *Ordinances.* The Mayor shall see that the ordinances of the city are faithfully executed and shall be the chief executive officer and the head of the administrative branch of the city government. In these capacities the Mayor shall be assisted by a City Administrator as provided in §§ SC4–1 and SC4–2 of this Charter. The Mayor is responsible for the administration of the city's affairs.

B. *Report.* The Mayor shall prepare or cause to be prepared annually a report in the name of the government of the City of Salisbury. This report shall deal not only with the financial condition of the city, but also with the accomplishments of the various agencies and the city. This report shall be printed for general distribution.

C. *Appointments.* The Mayor with the advice and consent of a majority of the full Council shall appoint the heads of all offices, departments and agencies of the government of the City of Salisbury as established by this Charter or by ordinance of the Council, with the exception of the City Clerk and the City Solicitor, who shall be appointed as provided in § SC8–1 and § SC9–1, respectively. The City Clerk and City Solicitor shall serve at the pleasure of a majority of the full Council, the City Administrator shall serve at the pleasure of the Mayor and a majority of the full Council, the City Administrator shall serve at the pleasure of the Mayor and a majority of the full Council, and all other department heads shall serve continuously unless terminated pursuant to § SC2–10. All subordinate officers and employees of the offices, departments and agencies, excepting those serving under the City Clerk and the City Solicitor, shall be appointed by the Mayor on the recommendation of the head of the office, department or agency concerned subject to budgetary appropriations. Except as may be modified by the adoption of a merit system, all subordinate officers and employees may be removed by the Mayor on the recommendation of the appropriate office, department or agency head, excepting those serving under the City Clerk and the City Solicitor.

D. *Veto.* The Mayor shall have the power to veto ordinances passed by the Council as provided in § SC2–12.

E. *Recommendations.* The Mayor each year shall report to the Council the condition of municipal affairs and make such recommendations as he deems proper for the public good and welfare of the city.

F. *Budget.* The Mayor annually shall prepare or have prepared a budget and submit it to the Council. He shall be responsible for the administration of the budget as adopted by the Council. (1959 Code, sec. 304. 1951, ch. 534, sec. 23; Res. No. 1247, 7–12–05; Res. No. 2109, 11–29–11.)

ARTICLE IV City Administrator

Section SC4-1. City Administrator.

There shall be a City Administrator in the Office of the Mayor who shall be the Chief Administrative Officer of the city. The City Administrator shall be the direct subordinate of the Mayor and the immediate supervisor of each department head. The City Administrator shall serve as the supervising authority of the Office of the Mayor and shall be the Mayor's Chief of Staff. (Res. No. 1141, 11-2-04.)

Section SC4-2. Appointment.

The City Administrator shall be appointed by the Mayor with the advice and consent of the Council. The City Administrator shall have had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least five years' experience in public administration or private business; or an equivalent combination of education and experience. At the time of appointment or within one year thereafter, the City Administrator shall be a member in good standing of the International City and County Management Association. (Res. No. 1141, 11-2-04.)

Section SC4-3. Duties Full Time.

The City Administrator shall devote his or her full time to the duties of the office and shall serve at the pleasure of the Mayor and Council. (Res. No. 1141, 11-2-04.)

Section SC4-4. Compensation.

The compensation of the City Administrator shall be determined by the Council. (Res. No. 1141, 11-2-04.)

Section SC4-5. Duties.

The duties of the City Administrator shall be determined and assigned by the Mayor and shall include:

- (1) To serve as Chief of Staff of the department heads, excepting the City Clerk and City Solicitor;
- (2) To exercise supervisory authority over department heads, excepting the City Clerk and City Solicitor;
- (3) To direct the operations of the city government;
- (4) To supervise the Office of Mayor at the direction of the Mayor and to be responsible for the execution of the duties and responsibilities of the Office of the Mayor;

- (5) To supervise the preparation of the city budget;
- (6) To recommend candidates to the Mayor for appointment as department heads, excepting the City Clerk and City Solicitor;
- (7) When necessary, to recommend disciplinary actions against department heads to the Mayor, excepting the City Clerk and City Solicitor;
- (8) To assist the Mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city; and
- (9) To perform such duties not inconsistent with the Charter as may be delegated by the Mayor from time to time. (Res. No. 1141, 11–2–04; Res. No. 2109, 11–29–11.)

ARTICLE V

General Powers

Section SC5–1. Enumeration.

- A. The City of Salisbury shall have the power:
 - (1) *Aisles.* To regulate and prevent the obstruction of aisles in public halls, churches and places of amusement.
 - (2) *Amusements.* To provide for the restraining of theatrical or other public amusements of an immoral or indecent nature within the city.
 - (3) *Auctioneers.* To regulate and license auctioneers who cry any public sales within the corporate limits of the city.
 - (4) *Bawdy houses.* To suppress streetwalkers and to prohibit or restrain the keeping of bawdy houses or houses of ill fame within the limits of the city.
 - (5) *Buildings.* To make reasonable regulations in regard to buildings to be erected in the city and to grant building permits for the same; to formulate a building code and a plumbing code and to appoint a building inspector and a plumbing inspector and to require reasonable charges for permits and inspections; to regulate and restrict the height, number of stories, and size of buildings and other structures, the size of yards, courts and open spaces; and the location and use of buildings, structures and land for trade, industry or residence or tanks, pumps or other fixtures; to establish the distance buildings or any part thereof, fences or walls shall be erected from inner curb of street line; to direct in what part of the city wooden buildings shall not be erected or constructed; to authorize and require the inspection of all buildings and

structures and to authorize the condemnation thereof in whole or in part when dangerous or insecure and to require that such buildings and structures be made safe or taken down.

(6) *Contracts.* To contract with any corporation, firm or person for the lighting of the city or a part thereof, either with electricity or gas or by such means as may be deemed proper; and to contract for water for use at fires or for other city purposes, provided that no contract so entered into shall be for a longer period than three (3) years.

(7) *Codification.* To provide for the codification of all ordinances which have been or may hereafter be passed.

(8) *Disorder.* To restrain all disorder, disturbances, annoyances, disorderly conduct and drunkenness.

(9) *Dogs.* To regulate the keeping of dogs in the city and to provide for the licensing and taxing of the same; to provide for disposition of homeless dogs and dogs on which no license or taxes are paid.

(10) *Exits.* To regulate the construction and maintenance of exits from places of amusements and all public buildings.

(11) *Explosives.* To prevent and regulate the storage of gunpowder, oil or other combustible matter in such quantities and in such places as may be deemed proper; to prevent firing of guns, cannons, pistols, rifles, slingshots, firecrackers or other fireworks or other explosives within the city.

(12) *Fire.* To suppress fires and prevent the dangers thereof and to establish and maintain a Fire Department; to inspect buildings for the purpose of reducing fire hazards, to issue regulations concerning fire hazards and to forbid and prohibit the use of fire-hazardous buildings and structures permanently or until the conditions of city fire hazard regulations are met; and to take all other measures necessary to control and prevent fires in the city.

(13) *Food.* To inspect and require the condemnation, if unwholesome, and to regulate the sale of meats, poultry, fish, butter, oleomargarine, cheese, lard, vegetables and all other food products.

(14) *Franchises.* To grant franchises to electric, gas, telephone, telegraph, street railway, taxicab, bus[,] water, heating, sewer or drain companies and to any others which may be deemed advantageous and beneficial to the city, and the city, notwithstanding anything that may be set out in any such franchise, shall not have the power to divest itself of its police power to regulate and control the use of the streets, alleys, highways and other public places of the city under any franchise that may be so granted by it; all franchises so granted by the city under this Charter power shall be for a definite term of years, not exceeding twenty-five, and shall be renewable at the discretion of the city, and such franchises shall specifically set out the nature, right and duration of the same, and no power or right not expressed in such franchises shall pass thereunder; and for any franchises hereafter granted by the city under this Charter power the city may make an original, and thereafter an annual, charge for using the streets, alleys, highways and other public places of the city; provided, however, that none of the terms and provisions of this Subsection A(14) shall be applicable or affect any franchises, rights and privileges heretofore or hereafter originating under any public general or public local law of this state, or to any franchises, rights and privileges heretofore granted by the city or otherwise existing on the date of enactment hereof, for the use of the streets, highways, alleys and other public places of the city.

(15) *Gambling.* To prevent gambling and games of chance.

(16) *Garbage.* To provide for the collection and removal of filth, garbage or any matter or thing that is or may become injurious to the health or comfort of the inhabitants of Salisbury and to contract for the collection and removal of same or to have same removed or any

nuisance abated by the city; to provide whether the expense, if any, shall be borne by individual property owners or tenants or shall be paid for in whole or in part by the city.

(17) *Grants-in-aid.* To accept gifts and grants of federal or state funds from the federal or state governments or any agency thereof, and to expend the same for any lawful public purpose, agreeable to the conditions under which the gift or grant was made.

(18) *Hawkers.* To regulate and provide for the issuing of licenses or permits for hawking, peddling and vending of wares and merchandise of every description upon the public ways of the city and to regulate and provide for the issuing of licenses or permits to all persons who may go from house to house to vend or sell any wares or merchandise; to regulate and provide for the issuing of licenses to all traveling persons who dispense medicines or medical advice.

(19) *House numbers.* To regulate the numbering of houses and lots and to compel owners to renumber the same, or in default thereof, to authorize and require the same to be done by the city, at the owner's expense, such expense to constitute a lien upon the property and to be enforceable as provided in the ordinance.

(20) *Jail.* To establish and regulate a station house or lockup for temporary confinement of violators of the laws and ordinances of the city.

(21) *Licenses.* To issue licenses to any and all persons entering into or beginning transient business in the city for the sale of any goods, wares or merchandise; to regulate and license all restaurants, barbershops, pawnbrokers, junk dealers, fire and slaughter sales and auction sales; to regulate and license all nine- and ten-pin alleys, skating rinks, pool and billiard tables, theaters, moving-picture shows, boxing and sparring matches and wrestling contests and also exhibitions of every kind; to license or regulate any other business or calling.

(22) *Merit system.* To establish and maintain a merit and pension system; all city employees, except heads of offices, departments and agencies, and members of boards and commissions shall be included in the classified service under such merit and pension system.

(23) *Minor privileges.* To regulate or prevent the use of streets, sidewalks and public places for signs, awnings, posts, steps, railings, entrances, racks, posting handbills and advertisements and display of goods, wares and merchandise.

(24) *Nuisances.* To regulate, restrain or prohibit the running at large of all animals and fowl on any of the public ways of the city; to regulate all stockyards, cattle pens, hog pens and slaughterhouses within the city or provide for their removal from the corporate limits thereof; to regulate and control all offensive trades, manufacture and traffic in offensive fertilizer or other commodities within the city limits; to regulate or suppress slaughterhouses and smokehouses within the city and to regulate canning houses within the corporate limits; to abate by appropriate ordinance all nuisances in the city which are so defined at common law, by this Charter or by the laws of the State of Maryland, whether the same be herein specifically named or not; to prevent, remove and abate all nuisances or obstructions in or upon the public ways,

drains or watercourses, or in or upon any lot adjacent thereto, or any other place within the limits of the city; to remove or cause to be removed houses or other structures that may be dangerous to persons passing along or over any of the public ways of the city.

(25) *Parking lots.* To license, regulate, establish, operate, acquire, own and maintain parking lots.

(26) *Parks and playgrounds.* To establish and maintain public parks and playgrounds.

(27) *Public property.* To control and protect the public grounds and property of the city; to provide for protection of all public property, cemeteries and property of all public service companies or corporations.

(28) *Public utilities.* To establish, own, control, operate, maintain and manage a wharf for the use of the city, a public market and a plant or plants and system or systems for supplying water to and for the city and the inhabitants thereof, and adjacent thereto, or any one (1) or more of them, and to exercise police power to regulate and control the use of the streets, alleys and highways and other public places of the city by electric, gas, telephone, telegraph, street railway, taxicab, bus, water, heating, sewer and drain companies, and to purchase or condemn, as hereafter provided, any property whatsoever, in fee simple or otherwise, for the purpose of establishing, owning, controlling, operating, maintaining or managing any such wharf or market or plant or plants and system or systems for water supply.

(29) *Railroads; safety appliances at and maintenance of grade crossings.* To regulate the erection and maintenance of proper safety appliances by railroads at street crossings and to regulate the installation, repair and maintenance of all crossings by planking or otherwise for all public ways so that such crossing is adequate for traffic. (Amended 10-24-72 by Res. No. 161.)

(30) *Rent control.* To regulate and control the increase in rental fees charged by certain landlords and to regulate and define the legal rights, remedies, obligations and penalties of parties to any rental agreement and to provide both civil and criminal enforcement procedures for any violations. (Added 6-9-75 by Res. No. 187.)

(31) *Sewers.* To grant franchises and regulate the putting of sewers or drains on or under its public ways and the charges for entering same.

(32) *Sidewalks.* To regulate the use of sidewalks and all structures on, under or above same and to require the owner or occupant of the premises to keep the sidewalks in front of the premises and the gutters thereof free from snow and other obstructions and to prescribe hours for cleaning same.

(33) *Sweepings.* To regulate and prevent the throwing of sweepings, dust, ashes, offal, garbage, paper, handbills, dirty liquids or other materials into any public way or on any vacant lot in the city.

(34) *Transit system.* To acquire, by purchase or lease, operate and maintain motor buses or other vehicles for the purpose of transporting persons for hire, both within the city and between the city and points located outside the corporate limits of the city. (Added 9-8-58 by Ord. No. 781.)

(35) *Vagrants.* To punish and suppress tramps and vagrants.

(36) *Vehicles.* To regulate, license and tax carts, wagons, carriages, automobiles and other vehicles used in the city for transporting goods or persons for hire; to regulate the speed of horses, wheeled vehicles, bicycles, motorcycles, automobiles and locomotives in the city limits.

(37) *Voting machines.* To purchase, rent, install and maintain voting machines for use in elections.

(38) *Enforcement of Ordinances.*

(a) The Council has the power, pursuant to Article 23A, § 3(a) of the Annotated Code of Maryland, to provide that violations of ordinances and resolutions of the city shall be punishable as misdemeanors, unless otherwise specified as an infraction. No penalty for such violation shall exceed a fine of one thousand dollars (\$1000.) and imprisonment for six (6) months or such other limits as may be established by subsequent amendments to Article 23A, § 3(a). Any person subject to any fine, forfeiture, or penalty has the right of appeal as is provided under the general laws of the State. The Council may provide that, if the violation is of a continuing nature and is persisted in, a conviction for one violation shall not be a bar to a conviction for a continuation of the offense subsequent to the first or any succeeding conviction.

(b) (1) The Council may provide that violations of any municipal ordinance shall be a municipal infraction unless that violation is declared to be a felony or misdemeanor by the laws of the State of [or] other ordinance. For purposes of this section a municipal infraction is a civil offense.

(2) A fine not to exceed one thousand dollars (\$1,000.00) may be imposed for each conviction of a municipal infraction. The fine is payable by the offender to the municipality within 20 calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed one thousand dollars (\$1,000.00) for each repeat offense, and each day a violation continues shall constitute a separate offense.

(3) Any person receiving a citation for an infraction may elect to stand trial for the offense by notifying the city in writing of this intention at least five days prior to the date set for payment of the fine. Failure to pay the fine or give notice of intent to stand trial may result in an additional fine or adjudication by the court.

(4) Adjudication of a municipal infraction is not a criminal conviction for any purpose nor does it impose any of the civil disabilities ordinarily imposed by a

criminal conviction. (Added 3-1-83 by Res. No. 247.) (1959 Code, sec. 310. 1951, ch. 534, sec. 29.) (Amended 9-8-58 by Ord. No. 781; 4-16-96 by Res. Nos. 522 and 523.)

Section SC5-2. Saving clause.

The enumeration contained in § SC5-1 is not to be construed as limiting the powers of the city to the several subjects mentioned. (1959 Code, sec. 311. 1951, ch. 534, sec. 30.)

Section SC5-3. Enforcement.

For the purpose of carrying out the powers enumerated in § SC5-1 of this Charter, for the preservation of the cleanliness, health, peace and good order of the community, for the protection of the lives and property of the citizens and to suppress, abate and discontinue, or cause to be suppressed, abated or discontinued, all nuisances within the corporate and sanitary limits of the city, the Council may pass all ordinances or bylaws from time to time necessary. To ensure the observance of these ordinances, in addition to the usual action of debt or such other civil remedies as may exist in such cases by law for the recovery of the penalties thereto affixed, the Council may affix thereto reasonable fines and, in default of the payment of any fine imposed, it may provide for the imprisonment of the offender in the city lockup or county jail. (1959 Code, sec. 312. 1951, ch. 534, sec. 31.)

Section SC5-4. Exercise of powers.

All the powers of the city shall be exercised in the manner prescribed by this Charter or, if the manner be not prescribed, then in such manner as may be prescribed by ordinance. (1959 Code, sec. 313. 1951, ch. 534, sec. 32.)

ARTICLE VI

Elections

(See note (30))

Section SC6-1. Voters.

Every person who is a citizen of the United States; is at least eighteen (18) years of age; has resided within the corporate limits of the city for thirty (30) consecutive days next preceding any city election; and is registered in accordance with the provisions of this Charter, shall be a duly qualified voter of the city. Every duly qualified voter of the city shall be entitled to vote at any or all city elections. (1959 Code, sec. 314. 1951, ch. 534, sec. 33.) (Amended 2-14-72 by Res. No. 152; 10-28-74 by Res. No. 181; 7-23-93 by Res. No. 426.)

Section SC6-2. City of Salisbury Election Board.

The Mayor with the advice and consent of the Council shall appoint three (3) resident and qualified voters of the city to serve as a City of Salisbury Election Board. The term of the members shall be six (6) years staggered. Any vacancy during the unexpired term of a member

shall be filled by the Mayor with the advice and consent of the Council for the remainder of the term. All members shall serve until their successors are appointed and qualified. No more than two (2) members of the City Board shall be of the same political party. The compensation of the City Board shall be determined by the Council. (1959 Code, sec. 315. 1951, ch. 534, sec. 34; Res. No. 688, 2-29-2000.)

Section SC6-3. Duties of Board.

The duties of the City of Salisbury Election Board shall be set forth in Chapter 1.08 of the Salisbury City Code, as the same shall be amended from time to time. (1959 Code, sec. 316. 1951, ch. 534, sec. 35; Res. No. 688, 2-29-00.)

Section SC6-4. Registration of voters.

The City Council shall determine the method and manner of the registration of the city voters, all of which shall be set forth in Chapter 1.08 of the Salisbury City Code, as the same shall be amended from time to time. (1959 Code, sec. 317. 1951, ch. 534, sec. 36; 1953, ch. 105.) (Amended 9-9-63 by Res. No. 25 (See note (6)); 6-28-77 by Res. No. 196; Res. No. 688, 2-29-00.)

Section SC6-5. Conduct of elections.

The Council shall have the power by ordinance to conduct elections and to govern all aspects thereof, which provisions shall be set forth in Chapter 1.08 of the Salisbury City Code, as the same shall be amended from time to time. (Added 7-22-74 by Res. No. 178 (See note (7)); Amended 2-8-96 by Res. No. 516; Res. No. 688, 2-29-00.)

Section SC6-6. Nomination.

No person shall be a candidate for any public office in the government of the City of Salisbury unless he or she shall file a certificate of nomination with the City Clerk on or before 4:30 p.m. on the eleventh Tuesday prior to the date for the general election. The certificate of nomination shall contain the person's name, address, the name of the office the person is seeking, a statement that the person is qualified to be a candidate for that office and the signature of the person. No person shall file a nomination to more than one (1) elective city office or hold more than one (1) elective city office at one time. (1959 Code, sec. 322. 1951, ch. 534, sec. 41; Res. No. 484, 5-2-95; Res. No. 688, 2-29-00; Res. No. 1685, 9-30-08.)

Section SC6-7. Primary elections.

Any required primary election shall be held on the fifth Tuesday prior to the date for the general election. The City Clerk shall give at least two (2) weeks notice by publication in some newspaper printed in the City of Salisbury of the time and place or places of holding the primary election.

In years in which three (3) Councilmembers are to be elected, if more than six (6) persons file certificates of nomination, a primary election shall be held. A voter may vote for no more than one (1) candidate per available position from the candidates on the primary election ballot. Of the candidates participating in such a primary election, the six (6) candidates who receive the most votes shall be named and considered as candidates for the three (3) Councilmember offices in the following general election. If not more than six (6) persons file certificates of nomination, no primary shall be held and those persons who do file certificates of nomination shall be named and considered as candidates for the three (3) Councilmember offices at the next general election.

In the years in which the Mayor and one (1) Councilmember from each District are to be elected, a primary election shall be held for any available office for which more than two (2) persons file certificates of nomination. A voter may vote for no more than one (1) candidate per available position from the candidates on the primary election ballot. Of the candidates participating in such a primary, the two (2) candidates who receive the most votes shall be named and considered as the candidates for that office in the following general election. No primary shall be held for any office for which not more than two (2) persons file certificates of nomination. In such instances, those persons who do file certificates of nomination shall be named and considered as candidates for that office in the general election. (1959 Code, sec. 323. 1951, ch. 534, sec. 42.) (Amended 9-9-63 by Res. No. 25; Res. No. 304, 11-17-87; Res. No. 484, 5-2-95; Res. No. 688, 2-29-00; Res. No. 742, 1-2-01; Res. No. 1889, 4-13-10.) (See note (6))

Section SC6-8. Filing fee.

Every candidate for the office of Mayor, at the time of filing his other certificate of nomination, as set forth above, shall pay to the City Clerk the sum of twenty-five dollars (\$25.). Every candidate for Councilmember, at the time of filing his other certificate of nomination, as set forth above, shall pay to the City Clerk the sum of fifteen dollars (\$15.). (1959 Code, sec. 326. 1951, ch. 534, sec. 45; Res. No. 484, 5-2-95; Res. No. 688, 2-29-00.)

Section SC6-9. Election of Mayor and Council.

On the first Tuesday of April 2011, the registered voters shall elect three (3) Councilmembers from District 2, whose terms shall run until the general election of November 2015. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall serve four-year terms.

On the first Tuesday of April 2013, the registered voters shall elect a Mayor and (2) Councilmembers, one from District 1 and one from District 2, whose terms shall run until the first Tuesday of November 2017. Thereafter, the registered voters shall elect their successors on the first Tuesday of November, and they shall serve four-year terms. (1959 Code, sec. 327. 1951, ch. 534, sec. 46.) (Amended 9-9-63 by Res. No. 25; Res. No. 304, 11-17-87; Res. No. 688, 2-29-00; Res. No. 742, 1-2-01; Res. No. 1889, 4-13-10.) (See note (6))

Section SC6–10. Notice of elections.

The City Clerk shall, by publication in one (1) or more newspapers published in the City of Salisbury at least ten (10) days prior to holding any general or special election, give notice thereof, stating the object of said election and the time and place and hours of the same. (1959 Code, sec. 328. 1951, ch. 534, sec. 47; Res. No. 688, 2–29–00.)

Section SC6–11. Challengers and watchers.

Challengers and watchers representing the candidates in any primary or city election shall be allowed to be present at the several voting places during the voting and counting of the ballots as provided by law with respect to general elections. (1959 Code, sec. 332. 1951, ch. 534, sec. 51; Res. No. 688, 2–29–00.)

Section SC6–12. Vacancies.

In case of a vacancy for any reason in the Council, the Council, within four (4) weeks of the occurrence of the vacancy, shall elect some qualified person to fill such vacancy for the unexpired term. In case of a vacancy for any reason in the office of Mayor, the Council, within four (4) weeks of the occurrence of the vacancy, shall elect some qualified person to serve as Acting Mayor for the unexpired term. Any vacancies in either the Council or the office of Mayor shall be filled by a majority vote of all the members of the Council. In case the Mayor or any Councilman shall fail to qualify within [five] (5) days of notification of election, a vacancy shall exist to be filled as provided in this section. The Council shall immediately certify any vote so taken to the City Clerk. The City Clerk shall record the vote and shall forthwith notify the person so elected, who shall, within five (5) days of notice, qualify in the manner as regularly elected city officials. (1959 Code, sec. 333. 1951, ch. 534, sec. 52; Res. No. 688, 2–29–00.)

Section SC6–13. Recall of elected officials.

The Mayor or a member of the City Council may be recalled from office (removed) in accordance with the following procedure:

A. *Definitions.* The following words and phrases shall have, for the purposes of this subsection, the following meanings:

(1) “Circulator” means a qualified registered voter of the City who obtains signatures of those voters who wish to sign a petition to recall a City Official.

(2) “City Official” means a person who is serving as the Mayor or a member of the City Council.

(3) “Initiator” means a qualified registered voter of the City who initiates a petition to recall a City Official.

(4) “Petition” means a petition to recall a City Official.

(5) “Reaffirmation Vote” means an election following the submission of a successful recall petition to determine if a City Official will be “reaffirmed” or “removed” from office.

(6) “Recalled Official” means a City Official who has been removed following a reaffirmation vote, but has not been unseated by a special election.

(7) “Signatory” means a qualified registered voter of the City who signs a recall petition to recall a City Official.

(8) “Special Election” means an election following a reaffirmation vote where the majority vote is to “remove” a City Official.

B. The citizens of the City of Salisbury who are qualified registered voters shall have the right to recall the Mayor, or any Councilmember from their respective district, and remove them from office. The initiator(s), circulator(s) and signatory(s) of a recall petition shall be qualified registered voters, as defined in § SC6–1 of the City Charter, in the City Official’s district at the time of the filing of the recall petition.

C. A letter of intent, signed by the initiator of the recall, containing the printed name and residence address of the initiator shall be submitted to the City Clerk stating the name and title of the official to be recalled and the reason(s) for recall as described in “E” below. The initiator must be eligible to vote for the office of the City Official they seek to recall. The City Clerk will prepare the petition form and, after review and approval of the City Solicitor, submit the petition to the initiator within seven (7) days after approval of the City Solicitor.

D. Within 90 days from the initiator’s receipt of the recall petition form from the City Clerk, a petition signed by at least thirty percent (30) of the qualified registered voters of the City of Salisbury in the case of the Mayor and thirty percent (30) of the qualified registered voters of the Councilmember’s district in the case of a Councilmember must be presented to the Mayor and the City Council at a regular Council meeting stating a desire to have the name City Official subjected to reaffirmation by a vote of the electorate. In the case of the Mayor, the vote of the full City electorate will apply. In the case of a Councilmember, the vote of the Councilmember’s(s’) district electorate will apply. A petition shall contain the name of only one (1) City Official. Signatory(s) of the petition shall sign the petition as their names appear on the City election records and under such signature shall be typed or printed each Signatory’s name, address, the district in which he or she votes in City elections and the date the petition was signed. At the bottom of each page of the petition, the Circulator shall sign the petition page and make an affidavit before a notary public that he or she is a registered voter of the City of Salisbury, circulated the petition and witnessed each Signatory whose name appears thereon execute the same in his or her presence.

E. The petition shall state specifically the reason(s) for recall of the Mayor or, as the case may be, a Councilmember which shall be for one (1) or more of the following reasons:

(1) Failure to uphold the oath of office.

(2) Nonfeasance while in office. (Nonfeasance is defined as “the omission of an act which a person ought to do.”)

(3) Misfeasance while in office. (Misfeasance is defined as the “improper doing of an act which a person might lawfully do.”)

(4) Malfeasance while in office. (Malfeasance is defined as “the doing of an act which a person ought not to do at all.”)

F. A Signatory who has signed a recall petition who wishes to withdraw his or her name from the petition may file a written notarized request with the City Clerk no later than the day before the petition is presented to the Mayor and City Council.

G. The Initiator shall submit a financial report to the City Clerk. The Initiator of a recall shall appoint a treasurer who shall have the responsibility of maintaining a detailed, full and accurate account of the contributions, monies, loans, in-kind services (including personal contributions, loans and monies), the date each contribution was received, and the name and address of each contributor. Contributions by an individual or entity shall not be in excess of \$250.00. The report shall also contain a detailed record of all disbursements made by the initiator for the recall effort.

The financial report shall be submitted fifteen (15) days prior to filing a recall petition with the Mayor and Council. A final report shall be submitted no later than thirty (30) days after the special election. If the recall effort is deemed unsuccessful (insufficient number of signatures), the final report shall be submitted ten (10) days after the announcement of the verification results.

H. Upon receipt of a petition, the Mayor and Council shall forward the petition to the City Board of Election Supervisors and the City Clerk for verification of the appropriate number of qualified registered voters’ signatures, addresses and districts. In addition to the computer verification program, a random sampling of ten percent (10) of the signatures shall be compared with their voter registration cards. The Board and the City Clerk shall return said petition with their written findings as to required Signatory(s), addresses and districts to the Mayor and Council at the Council meeting following the expiration of thirty (30) calendar days; and at its meeting, if the petition is authenticated, the Mayor and Council shall announce that (1) within thirty (30) days a public hearing will be held on the petition to allow the initiator and the official being recalled an opportunity to speak; and that (2) within forty-five (45) days of the authentication, a reaffirmation vote shall be held in order to allow, in the case of a Mayor, all qualified registered voters of the City to vote on the petition and, in the case of a Councilmember, all the qualified registered voters of his or her district to vote on the petition.

I. The voting ballot will contain the officials’ name and the choice of “reaffirm” or “remove”. If the majority vote is to “remove” the City Official, the City Official shall be removed from office upon the certification of Special Election results and swearing in of his or her successor following a Special Election.

J. Once the results of the reaffirmation vote are certified and the majority vote is to “remove” the City Official, a special election will be held within forty-five (45) days of the

certification. Candidates who wish to have their name placed on the ballot to replace the recalled official shall file [file] a Certificate of Nomination with the City Clerk within fifteen (15) days. Candidates seeking office must qualify as per § SC2–2 of the City Charter and file a campaign financial report as described in Chapter 1.12 of the Salisbury Municipal Code. The first campaign financial report shall be submitted to the City Clerk no later than ten (10) days prior to the special election and a final financial report no later than thirty (30) days after the Special Election.

K. Special Election.

(1) No person shall be a candidate for any office unless he or she shall file a Certificate of Nomination with the City Clerk on or before 4:30 p.m. on the fifteenth (15th) day after the reaffirmation vote is certified with a majority vote to remove the City official.

(2) Every candidate shall pay the filing fee set forth in [§] SC6–8 for the office which he or she is seeking.

(3) In the case of a Mayoral recall, candidates from any district may run for the Office of Mayor.

(4) In the case of a Councilmember recall, only candidates from the recalled Official’s district may run for the Councilmember office.

(5) If the Recalled Official is the Mayor or a Councilmember, the candidate who receives the most votes in the Special Election shall replace the Recalled Official for the remainder of the official’s term.

(6) If the Recalled Official includes more than one Councilmember from the same district, the candidates receiving the most votes in the special election shall replace the Recalled Officials for the remainder of the Officials’ term. If the terms are of different duration, the candidate receiving the most votes shall replace the official with the longest remaining term in office.

(7) Nothing in this subsection shall prohibit an official being recalled from being a candidate in the special election.

(8) Except as set forth herein, the voting will be conducted in the same manner as prescribed herein for regular City elections. (Added 12–28–93 by Res. No. 438; Res. No. 1153, 11–16–04.)

Section SC6–14. Nonpartisan elections.

All city elections shall be nonpartisan and no indication of party affiliation [affiliation] shall be placed beside the candidates’ name [names] on any ballot. (Res. No. 484, 5–2–95.)

Section SC6–15. Tie Elections.A. *Primary Election.*

1. In the election years in which three (3) council members are to be elected from District 2, if the candidates for the sixth (6th) position on the ballot have an equal number of votes, then all such candidates shall be listed on the General Election Ballot.

2. In the election years in which the Mayor and two (2) council members, one (1) from District 1 and one (1) from District 2, are to be elected, if the candidates for the second position on the ballot for any office have an equal number of votes, then all such candidates shall be listed on the General Election Ballot.

B. *General Election.*

1. In the election years in which three (3) council members are to be elected from District 2, if the candidates for the third (3rd) council position have an equal number of votes, then, unless all but one such candidate concedes or otherwise becomes ineligible for office, a Special Election shall be held no earlier than forty–five (45) days and no later than sixty (60) days after the date of certification of the General Election results for the third council position.

2. In the election years in which the Mayor and two (2) council members, one (1) from District 1 and one (1) from District 2, are to be elected, if the candidates for the Mayor or either of the council positions have an equal number of votes, then, unless all but one such candidate concedes or otherwise becomes ineligible for office, a Special Election shall be held no earlier than forty–five (45) days and no later than sixty (60) days after the date of certification of the General Election results for the Mayor or Council position.

3. The County Election Board shall open for registration of City voters for twenty–one (21) days between the General and Special Election.

4. All incumbent council members or the incumbent mayor shall continue in office until the Special Election results for either the council or the mayor are certified. (Res. No. 1685, 9–30–08.)

ARTICLE VII

Internal Services

Section SC7–1. Department of Internal Services.

A. There shall be a Department of Internal Services headed by a Director of Internal Services. The Director of Internal Services shall be appointed by the Mayor with the advice and consent of a majority of the full Council and shall serve continuously unless terminated pursuant to § SC2–10. The compensation for the Director shall be determined by a majority of the full

Council. All subordinate personnel shall be appointed as provided in § SC3–4.C of the City Charter.

B. The financial powers of the city, except as otherwise provided by this Charter, shall be exercised by the Director of Internal Services under the authority of the Mayor and the direct supervision of the City Administrator.

An Assistant Director of Internal Services – Finance shall be recommended for appointment by the Director of Internal Services and appointed by the Mayor. (1959 Code, sec. 336. 1951, ch. 534, sec. 55.) (Amended 9–9–57 by Ord. No. 765A; Res. No. 623, 3–2–99; Res. No. 1247, 7–12–05; Res. No. 1395, 05–30–2006.)

Section SC7–2. Same: powers and duties.

Under the authority of the Mayor and the direct supervision of the City Administrator, the Director of Internal Services shall have authority and shall be required to:

A. Supervise and be responsible for the disbursement of all moneys and have control over all expenditures to assure the budget appropriations are not exceeded.

B. Maintain a general accounting system for the city in such form as state law or the Council may require.

C. Submit to the Council through the Mayor a monthly statement of all receipts and disbursements in such form as the Council may require.

D. Submit at the end of each fiscal year a complete financial report to the Council through the Mayor.

E. Ascertain that all taxable property within the city is assessed for taxation.

F. Collect all taxes, special assessments, license fees, liens and all other revenues (including water revenues) of the city and all other revenues for whose collection the city is responsible and receive any funds receivable by the city, except that the collection of taxes and other revenues may be delegated to a third party through written agreement approved by the Council.

G. Have custody of all public moneys belonging to or under the control of the city, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the city.

H. Have custody of all investments and invested funds of the city or under the control of the city, except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the city.

I. Do such other things in relation to the fiscal or financial affairs of the city as the Mayor or the Council may require or as may be required elsewhere in this Charter. (1959 Code, sec. 338. 1951, ch. 534, sec. 57; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC7-3. Bond.

The Director of Internal Services shall provide a bond with such corporate surety and in such amount (but not less than fifty thousand dollars (\$50,000.))], as the Council by ordinance may require. (1959 Code, sec. 339. 1951, ch. 534, sec. 58; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC7-4. Expenditures to be authorized by Council.

No public money may be expended without having been appropriated by the Council. (1959 Code, sec. 340. 1951, ch. 534, sec. 59; Res. No. 629, 3-2-99.)

Section SC7-5. Fiscal year.

The city shall operate on an annual budget. Commencing on the first day of July 1964, the fiscal year of the city shall begin on the first day of July and shall end on the last day of June following. Such fiscal year shall also constitute the tax year, the budget year and the accounting year. (1959 Code, sec. 341. 1951, ch. 534, sec. 60.) (Amended 9-23-63 by Res. No. 27.) (See note (9)) (Res. No. 629, 3-2-99.)

Section SC7-6. Estimates.

The Mayor, on such date as the Council may require, but at least by April 15th of each year, shall submit to the Council a budget and an explanatory budget message. For that purpose, at such date as he shall determine, the Mayor and/or the City Administrator shall obtain from the head of each office, department and agency estimates of revenue and expenditures for the next fiscal year, detailed by organization units and character and object of expenditure; such other supporting data as he may request; and an estimate of all capital projects pending or which such office, department or agency head believes should be undertaken within the budget year and within the five (5) next succeeding years. He shall refer such proposed capital projects to the Planning Commission for its review and recommendation as to any project which it believes will or may affect the Master Plan or Comprehensive Plan of the city, which recommendation shall form part of his budget message but shall not be binding upon the Council. In preparing the

budget, the Mayor and/or City Administrator shall review the estimates, shall hold hearings thereon with the head or other representative of the office, department or agency concerned and may revise the estimates as deemed advisable. (1959 Code, sec. 342. 1951, ch. 534, sec. 61; Amended 3-14-66 by Res. No. 75.) (See note (10)) (Res. No. 527, 7-2-96; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05.)

Section SC7-7. Budget message.

The budget message submitted by the Mayor to the Council shall explain the budget, shall contain an outline of the proposed financial policies of the city for the budget year and shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year in cost and revenue items and shall explain any major changes in financial policy. It shall include a statement of pending capital projects of a capital program for the next five (5) fiscal years. Attached to the budget message shall be such supporting schedules, exhibits and other explanatory material, in respect to both current operations and capital improvements, as the Mayor shall believe useful to the Council. (1959 Code, sec. 343. 1951, ch. 534, sec. 62; Res. No. 629, 3-2-99.)

Section SC7-8. Budget contents.

A. The budget shall provide a complete financial plan for the budget year. It shall contain in tabular form:

- (1) A general summary.
- (2) Detailed estimates of all anticipated revenues applicable to proposed expenditures.
- (3) All proposed expenditures.

B. The total of the anticipated revenues shall equal the total of the proposed expenditures. (1959 Code, sec. 344. 1951, ch. 534, sec. 63; Res. No. 629, 3-2-99.)

Section SC7-9. Classification of revenues.

Anticipated revenues shall be classified as “surplus,” “miscellaneous revenues” and “amount to be raised by property tax.” Miscellaneous revenues shall be subclassified by sources. (1959 Code, sec. 345. 1951, ch. 534, sec. 64; Res. No. 629, 3-2-99.)

Section SC7-10. Revenue figures for previous years.

In parallel columns opposite the several items of anticipated revenues there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually received during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year and the amount actually received to the time of

preparing the budget plus receipts for the remainder of the fiscal year estimated as accurately as may be. (1959 Code, sec. 346. 1951, ch. 534, sec. 65; Res. No. 629, 3-2-99.)

Section SC7-11. Public utilities.

The anticipated revenues and proposed expenditures and anticipated surplus of water and sewer operations and any other public utilities owned or operated by the city shall be stated in a separate section of the budget. (1959 Code, sec. 347. 1951, ch. 534, sec. 66; Res. No. 629, 3-2-99.)

Section SC7-12. Expenditures.

The proposed expenditures shall be itemized in such form and to such extent as shall be provided by law or, in the absence of such provision, by regulations established by ordinance. Separate provisions shall be included in the budget for at least:

- A. Interest, amortization and redemption charges on the public debt for which the faith and credit of the city is pledged.
- B. Other statutory expenditures.
- C. The payment of all judgments.
- D. An amount equal to the aggregate of all emergency notes which it is estimated will be outstanding at the end of the current year.
- E. An amount equal to the deficit for operations of water and sewer and other public utilities during the last completed fiscal year, separately stated for each utility which appears in a separate section of the budget.
- F. Administration, operation and maintenance of each office, department or agency of the city itemized by character and object of expenditure.
- G. Contingent expense in an amount of not more than three percent (3%) of the total proposed expenditures.
- H. Expenditures proposed for capital projects. (1959 Code, sec. 348. 1951, ch. 534, sec. 67; Res. No. 629, 3-2-99.)

Section SC7-13. Expenditure figures for previous years.

In parallel columns opposite the several items of proposed expenditures, there shall be placed the amount of each such item in the budget of the last completed fiscal year, the amount of such items actually expended during the last completed fiscal year, the amount of each such item in the budget of the current fiscal year and the amount actually expended to the time of

preparing the budget plus the expenditures for the remainder of the current fiscal year estimated as accurately as may be. (1959 Code, sec. 349. 1951, ch. 534, sec. 68; Res. No. 629, 3-2-99.)

Section SC7-14. Budget summary.

At the head of the budget there shall appear a summary of the budget, which need not be itemized further than by principal sources of revenue and kinds of expenditures, in such form as to present to the taxpayers a simple and clear picture of the detailed estimates of the budget. (1959 Code, sec. 350. 1951, ch. 534, sec. 69; Res. No. 629, 3-2-99.)

Section SC7-15. Budget a public record.

The budget and budget message and all supporting schedules shall be a public record in the office of the Director of Internal Services open to public inspection by anyone. The Mayor shall cause sufficient copies of the budget and budget message to be prepared for distribution to interested persons. Separate copies of the capital program as finally adopted by the Council shall be prepared for distribution to interested persons. (1959 Code, sec. 351, ch. 534, sec. 70.) (Amended 3-14-66 by Res. No. 75.) (See note (10)) (Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC7-16. Notice of hearing.

At the meeting of the Council at which the budget and budget message are submitted, the Council shall determine the place and time of the public hearing on the budget and shall cause to be published in one (1) or more newspapers published in the city a notice of the place and time, not less than seven (7) days after publication of the notice, at which the Council will hold a public hearing. (1959 Code, sec. 352. 1951, ch. 534, sec. 71; Res. No. 629, 3-2-99.)

Section SC7-17. Public hearing.

At the time and place so advertised, or any time and place to which such public hearing shall from time to time be adjourned, the Council shall hold a public hearing on the budget as submitted at which all interested persons shall be given an opportunity to be heard for or against the estimates or any item thereof. (1959 Code, sec. 353. 1951, ch. 534, sec. 72; Res. No. 629, 3-2-99.)

Section SC7-18. Public statements by officials.

No director or head of any office, department or agency shall take any public stand on the items of the proposed budget except when called before the Council hearings on the budget. Appearances of directors or heads of any office, department or agency at budget hearings may be requested by the Mayor, the Council or any member of the Council. (1959 Code, sec. 354. 1951, ch. 534, sec. 73; Res. No. 629, 3-2-99.)

Section SC7-19. Council action.

The Council may insert new items or may increase or decrease the items of the budget. Where the Council shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures. (1959 Code, sec. 355. 1951, ch. 534, sec. 74; Res. No. 629, 3-2-99.)

Section SC7-20. Vote on budget.

The budget shall be prepared and adopted in the form of an ordinance. A favorable vote of at least a majority of the total membership of the Council shall be necessary for adoption. (1959 Code, sec. 356. 1951, ch. 534, sec. 75; Res. No. 629, 3-2-99.)

Section SC7-21. Final adoption date.

The budget for the new fiscal year shall be finally adopted not later than the 15th day of June. Should the Council take no final action on or prior to such day, the budget, as submitted, shall be deemed to have been finally adopted by the Council. (1959 Code, sec. 357. 1951, ch. 534, sec. 76.) (Amended 9-23-63 by Res. No. 27.) (See note (9)) (Res. No. 629, 3-2-99.)

Section SC7-22. Certified copy on file.

A copy of the budget as finally adopted shall be certified by the Mayor and City Clerk and filed in the office of the Director of Internal Services. The budget so certified shall be printed, mimeographed or otherwise reproduced, and sufficient copies thereof shall be made available for the use of all offices, departments and agencies and for the use of interested persons and civic organizations. (1959 Code, sec. 358. 1951, ch. 534, sec. 77; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC7-23. Budget establishes appropriations.

From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several objects and purposes therein named. (1959 Code, sec. 359. 1951, ch. 534, sec. 78; Res. No. 629, 3-2-99.)

Section SC7-24. Allotments.

Before the beginning of the budget year, the head of each office, department or agency shall submit to the Mayor, when required by him, a work program for the year, which shall show the requested allotments of the appropriations for such office, department or agency, by quarterly (three-month) periods, for the entire budget year. The Mayor shall review the requested allotments in the light of the work program of the office, department or agency concerned and may revise such allotments before approving the same. An approved allotment may be revised during the budget year by the Mayor after consultation with the director or head of the office, department or agency concerned. At the end of the fiscal year, the sum of the four (4) quarterly allotments made by the Mayor shall not be greater than one hundred percent (100%) nor less

than ninety percent (90%) of the total appropriation as made by the Council. The term appropriation as used here shall include any supplemental, deficiency or emergency appropriations and any transfers of funds authorized by state law or by this Charter. (1959 Code, sec. 360. 1951, ch. 534, sec. 79; Res. No. 629, 3-2-99.)

Section SC7-25. Signatures or authorizations required for disbursements.

All disbursements of any kind whatsoever, including, but not limited to, checks, electronic transfers, ACH debits, etc., shall be signed or authorized by two individuals, one of whom shall be the President or the Vice-President of the Council and the other of whom shall be the Director of Internal Services or the Assistant Director of Internal Services – Finance, except that:

A. All disbursements from the payroll account and for payroll-related items shall be signed or authorized by one of the following individuals: the Director of Internal Services, the Assistant Director of Internal Services – Finance, the President of the Council, or the Vice-President of the Council; and

B. All disbursements relating to the purchasing of investments or debt payments of principal or interest investments or bond issues shall be signed or authorized by any two of the following individuals: the President of the Council, the Vice-President of the Council, the Director of Internal Services or the Assistant Director of Internal Services – Finance. (1959 Code, sec. 361. 1951, ch. 534, sec. 80; Res. No. 624, 2-16-99; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC7-26. Disbursements.

No disbursing officer of the City of Salisbury shall authorize any expenditure under a Council appropriation except as covered by such quarterly allotment or upon the specific authorization of the Mayor. (1959 Code, sec. 362. 1951, ch. 534, sec. 81; Res. No. 629, 3-2-99.)

Section SC7-27. Transfer of funds.

The Mayor may at any time transfer any unencumbered appropriation balance or any portion thereof between general classifications of expenditures within an office, department or agency. At the request of the Mayor and within the last three (3) months of the budget year, the Council may by resolution transfer any unencumbered appropriation balance or portion thereof from one office, department or agency to another. (1959 Code, sec. 363. 1951, ch. 534, sec. 82; Res. No. 629, 3-2-99.)

Section SC7-28. Contingency Fund.

A. The Mayor and the City Council, by a majority vote of the City Council, may authorize its direct expenditure for public purposes not anticipated at the time of budget adoption; or

B. The Mayor and the City Council, by a two-thirds (2/3) vote of all members of the City Council, may allocate funds to the various offices, departments or agencies of the City of Salisbury as the Mayor and Council deem advisable. (1959 Code, sec. 364. 1951, ch. 534, sec. 83; Res. No. 629, 3-2-99; Res. No. 655, 9-28-99.)

Section SC7-29. Overexpenditure forbidden.

No office, department or agency shall during any budget year expend or contract to expend any money or incur any liability or enter into any contract which by its terms involves the expenditure of money, for any purpose, in excess of the amounts appropriated for that general classification of expenditure pursuant to this Charter. Any contract, verbal or written, made in violation of this Charter shall be null and void. Any officer or employee of the city who shall violate this section shall be guilty of a misdemeanor and upon conviction thereof shall cease to hold his office or employment. Nothing in this section, however, shall prevent the making of contracts or the spending of money for capital improvements to be financed in whole or in part by the issuance of bonds or the making of contracts of lease or for services for a period exceeding the budget year in which such contract is made, when such contract is permitted by law. (1959 Code, sec. 365. ch. 534, sec. 84; Res. No. 629, 3-2-99.)

Section SC7-30. Appropriations lapse after one year.

All appropriations shall lapse at the end of the budget year to the extent that they shall not have been expended or lawfully encumbered. Any unexpended and unencumbered [unencumbered] funds shall be included in the next year's budget as surplus. (1959 Code, sec. 366. ch. 534, sec. 85; Res. No. 629, 3-2-99.)

Section SC7-31. Fees.

All fees received by any officer or employee shall belong to the city government and shall be paid to the Department of Finance. (1959 Code, sec. 367. 1951, ch. 534, sec. 86; Res. No. 629, 3-2-99.)

Section SC7-32. Audit.

The financial books and accounts of the city shall be audited as of the 30th day of June in each year by a competent person or persons appointed by the Council. The audit shall be presented to the Council and to the Mayor prior to being submitted to the State of Maryland in accordance with the deadline set forth in the *Annotated Code of Maryland*. The Council and the Mayor will be informed if any extension requests of the deadline are made to the State of Maryland. The Council or the Mayor may order an audit of the financial books and accounts of the city by a competent person or persons appointed by the Council or the Mayor at any time the Council or the Mayor may deem it proper so to do. (1959 Code, sec. 368. 1951, ch. 534, sec. 87.) (Amended 9-23-63 by Res. No. 27.) (See note (9)) (Res. No. 629, 3-2-99; Res. No. 1428, 10-03-06.)

Section SC7-33. Public utility revenues.

All revenues from water and sewer operations and from any other public utilities operated by the city shall be put into a separate fund to be used for current operating expenses of these utilities, replacement and extension of facilities and payment of interest and principal on bonds issued for these purposes. If these revenues are not sufficient, the deficit must be made up from the general funds of the city. Revenues from water or sewer operations or from other public utilities operated by the city may not be transferred under the authority of § SC7-28 [§ SC7-27] of this Charter and may not be used for any other purposes than those specified in this Charter. (1959 Code, sec. 369. 1951, ch. 534, sec. 88; Res. No. 629, 3-2-99.)

Section SC7-34. Budget authorizes levy.

From the effective date of the budget, the amount stated therein as the amount to be raised by the property tax shall constitute a determination of the amount of the tax levy in the corresponding tax year. In addition to a sum for general purposes, the Council may levy on assessable property such sums as have been heretofore authorized or that may be hereafter authorized by the General Assembly of Maryland for the liquidation and payment of the indebtedness of the City of Salisbury or any bonds thereof or interest thereon, issued or to be issued under the authority of state law or this Charter. (1959 Code, sec. 370. 1951, ch. 534, sec. 89; Res. No. 629, 3-2-99.)

Section SC7-35. Taxable property.

All real and tangible personal property within the limits of the City of Salisbury, or which may have a situs there by reason of the residence of the owner therein, shall be subject to taxation for municipal purposes, and the assessment for said purpose shall be the same as that for state and county purposes. The Mayor and Council of Salisbury shall not tax property for all general purposes other than servicing bonds at a rate greater than seventy-six cents (\$0.76) on each one hundred dollars (\$100.) of assessed valuation. (1959 Code, sec. 371. 1951, ch. 534, sec. 90.) (Amended 3-24-69 by Res. No. 117; 3-22-71 by Res. No. 142; Res. No. 629, 3-2-99; Res. No. 771, 8-28-01; Res. No. 1516, 6-12-07.)

Section SC7-36. Reserved. (See note (11)) (Res. No. 629, 3-2-99.)Section SC7-37. Tax bills.

Unless delegated by the City Council to Wicomico County, immediately after the levy is made by the Council in each year, the Director of Internal Services shall give notice of the making of the levy in one (1) or more newspapers published in the city. He shall make out and mail or deliver in person to each taxpayer or his agent a bill or account of the taxes due from him. This bill or account shall contain an itemized statement of the amount of real and personal property with which the taxpayer is assessed, the rate of taxation, the amount of taxes due and the date from which they will bear interest. In case the owner or his agent cannot be found, the Director of Internal Services shall attach the bill or account to a piece of the real property or deliver it to the servant or bailee in custody of the personal property so assessed. He shall keep a

copy of the bill or account with a memorandum thereon of the date of mailing, delivering or posting on the property, as the case may be, of such bill, and such memorandum shall be prima facie evidence of such mailing, delivering or posting. (1959 Code, sec. 373. 1951, ch. 534, sec. 92; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC7-38. Sale of property.

Unless delegated by the City Council to Wicomico County, on or after the first day of July succeeding the levy for any year, the Director of Internal Services may enforce the payment of any taxes due and owing by mailing or delivering to the delinquent taxpayer or his agent, or by posting on property where owner or agent cannot be found, a notice giving the amount of taxes due, warning the delinquent that if the taxes are not paid within twenty (20) days from the date of the notice he will proceed to sell the delinquent's property for the payment of the taxes, interest and the penalty thereon. At the expiration of the twenty (20) days he may advertise the property or any part thereof by two (2) successive insertions in some newspaper published in Salisbury prior to the day of sale and by such other notice as he may deem proper. He may sell the property so advertised unless the taxes and penalties, together with the cost of advertising, shall be paid by the owner of the property on or before the sale of same. The notice of sale shall be sufficient if it contains the time, place and terms of sale, the year or years for which the taxes are due, the name of the person to whom the property is assessed and a description of the property sufficient to identify same. It shall not be necessary for him to levy upon any land sold hereunder. In case there is no real estate, he may levy upon and seize any personal property belonging to the delinquent taxpayer and, after giving at least ten (10) days' notice of the time, place and terms of sale by notice posted at the courthouse door in Salisbury, may sell the personal property levied upon and seized, or so much thereof as is necessary, for the payment of the taxes due, the penalties thereon and the costs of the sale. (1959 Code, sec. 374. 1951, ch. 534, sec. 93.) (Amended 9-23-63 by Res. No. 27.) (See note (9)) (Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC7-39. Report to Circuit Court.

Unless delegated by the City Council to Wicomico County, when the Director of Internal Services shall sell any real estate under the provisions of this Charter, he shall report such sale with his proceedings relating thereto to the Circuit Court for Wicomico County. Whereupon the Court shall pass an order nisi thereon, which order nisi shall be published for not less than three (3) successive weeks in some newspaper published in the City of Salisbury at least one (1) month before final ratification of the sale, warning the party to whom the property is assessed and all persons interested in the property to appear in the court on some certain day to be named therein and show cause, if any they have, why the sale should not be ratified. For hearing the objections and ratifying the sale the Court shall be deemed always open. If objections or exceptions are filed to the ratification of any sale so reported, the burden of proving noncompliance with the provisions of this Charter shall be upon the objectors or exceptant. (1959 Code, sec. 375. 1951, ch. 534, sec. 94; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC7-40. Circuit Court action.

On hearing or if no objections are filed, the Court, if it is satisfied that the requirements of this Charter have been substantially complied with, shall finally ratify the sale, and its action shall be final and conclusive of all questions arising about the sale. In case the Court finds an objection, or the provisions of this Charter have not been substantially complied with, and shall not finally ratify such sales, the Court shall award costs in its discretion. The Director of Internal Services may readvertise and sell the property for the payment of the taxes and shall first refund the purchase money to purchaser. If the sale is finally ratified, the purchaser shall pay the costs incurred in making report of the sale, together with the cost of recording same, and thereupon the Director of Internal Services shall make a deed for the property to the purchaser at purchaser's expense. No case shall be reopened after final ratification except for fraud or collusion on the part of the Director of Internal Services and the purchaser. (1959 Code, sec. 376. 1951, ch. 534, sec. 95; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC7-41. Receipts from sale.

All moneys received from the sale of any property under this Charter shall be kept by the Director of Internal Services, who, after deducting the amount of taxes, penalties and costs of sale, shall on demand pay the balance of the purchase money to the owner of the property sold. If the owner does not demand or will not receipt for the balance or for any reason cannot legally receipt therefor, then the same shall be deposited in a bank in Salisbury, designated by the Council, paying interest on deposits, to the credit of the City of Salisbury, for the use of delinquent taxpayers and shall be only paid out by checks signed by the Director of Internal Services and countersigned by the President of the Council. The money so deposited shall not be used for any other purpose than payment of those entitled thereto. Once in every two (2) years the Director of Internal Services shall publish in a newspaper printed in Wicomico County a statement of all sums remaining in this fund and the names of the person or persons entitled thereto, the expense of publication to be paid out of the fund. If at the expiration of six (6) years from the date of sale any part of the fund shall be unclaimed, then that not claimed shall become the property of the City of Salisbury and shall be transferred to the general money account of the city and used for any city purpose. (1959 Code, sec. 377. 1951, ch. 534, sec. 96; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC7-42. Redemption of property.

Every deed given by the Director of Internal Services for land sold under this Charter for taxes shall contain a statement of the name of the owner of the land and when recorded shall be indexed under the name of the grantor, grantees and the owner or owners. The owner of any land so sold may redeem the same at any time within one (1) year of the date of ratification of its sale by paying to the purchaser or to the Clerk of the Circuit Court for use of the purchaser the amount of the purchase money paid for the land, together with the costs and expenses incurred by him in the ratification of sale and of deed and record, with fifteen percent (15%) interest per annum on purchase money from the date of sale. Thereupon the purchaser shall reconvey the land to the owner, the land to be free of all liens or claims, except such as were against it before the tax sale. In case the purchaser or purchasers shall fail to execute such deed, the Circuit Court

for Wicomico County on a petition filed by the owner in the matter of the Director of Internal Services' report of sale under oath, setting out the facts of the sale of the property and the payment of the money, penalties and charges, as herein required, or the tender and refusal thereof, may pass an order to be served on the purchaser, or, if he cannot be found, to be published as directed by the Court, commanding the purchaser to be and appear in the Court on some certain day to be named therein and show cause, if any he have, why he should not reconvey the property. If no cause is shown as required, the Court shall pass a decree ordering that the property be reconveyed to the owner and appointing a trustee to convey same to him in the same manner and as fully as the purchaser would do. The cost of such petition and of the proceedings thereunder, including reasonable fee to his solicitor in case it is granted, shall be paid by the purchaser and shall be ordered done so by the Court. If the purchaser shall fail to pay costs and charges for the period of thirty (30) days after decree, he may be adjudged guilty of contempt of court and may be confined in the county jail until he purges himself therefrom. In all cases of a sale of property for taxes, the City of Salisbury may buy same at a sum not to exceed the amount due for the taxes, penalties and costs and expenses of sale. (1959 Code, sec. 378. 1951, ch. 534, sec. 97; Res. No. 629, 3-2-99; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC7-43. Tax sales covered by state law.

The provisions of §§ SC7-39 [SC7-38] through SC7-43 [SC7-42] of this Charter shall be applicable only to the extent that they do not conflict with Sections 71A through 90W of Article 81 of the Annotated Code of Maryland (1947 Supplement). (See note (12)) relating to the sale of tax-delinquent property by counties. (1959 Code, sec. 379. 1951, ch. 534, sec. 98; Res. No. 629, 3-2-99.)

Section SC7-44. Industrial exemptions.

To encourage industrial expansion in the City of Salisbury, the Mayor with the approval of the Council is authorized to exempt from taxation for corporate purposes the following: (A) Equipment owned and operated by any manufacturing, fabricating or assembling facility that locates in the City; (B) Newly purchased equipment owned and operated by any manufacturing, fabricating or assembling facility that: (1) expands in the City; or (2) develops a new product or industrial process in the City. Such exemption shall in no case exceed a maximum of five (5) years.

For a manufacturing, fabricating or assembling facility to obtain the above-referred exemption, a written application must be filed with the Office of the Mayor. If the application is filed within two (2) years from December 31st of the calendar year in which the manufacturing, fabricating or assembling facility locates in the City or in which the equipment was purchased for which an exemption is requested, then, in that event, up to five (5) years' exemption may be granted. If the application is filed after (2) two years but within three (3) years from December 31st of the calendar year in which the manufacturing, fabricating or assembling facility relocates in the City or in which the equipment was purchased for which an exemption is requested, then, in that event, up to three (3) years' exemption may be granted. If the application is filed after three (3) years but within four (4) years from December 31st of the calendar year in which the

manufacturing, fabricating or assembling facility relocates in the City or in which the equipment was purchased for which an exemption is requested, then, in that event, up to two (2) years' exemption may be granted. If the application is filed after four (4) years but within five (5) years from December 31st of the calendar year in which the manufacturing, fabricating or assembling facility relocates in the City or in which the equipment was purchased for which an exemption is requested, then, in that event, up to one (1) year's exemption may be granted. (1959 Code, sec. 380. 1951, ch. 534, sec. 99; Res. No. 287, 9-2-86; Res. No. 299, 6-2-87; Res. No. 629, 3-2-99.)

Section SC7-45. Public debt.

A. *General obligation debt.* The City of Salisbury shall have the power to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness.

B. *Economic/industrial development debt.* The City of Salisbury shall also have the power to borrow money for the encouragement of economic or industrial development and expansion in the City of Salisbury and its immediate environs by providing plants or necessary facilities therefor, which is hereby declared to be an essential public and governmental purpose and necessary for the general welfare of the City, and to evidence such borrowing by the issuance and sale of its bonds, notes or other evidences of indebtedness secured by the revenues derived from the particular project, undertaking or property in connection with which such obligations were authorized and issued and/or a mortgage thereon, or by a pledge of the both of the City's full faith and credit and such revenues and/or mortgage.

C. *Other revenue debt.* The City of Salisbury shall also have the power to borrow money for the purpose of financing or refinancing other public purpose revenue-producing projects and to evidence such borrowing by the issuance and sale of its revenue bonds, notes or other evidences of indebtedness, including for the purpose of providing (by way of illustration and not in limitation) parking, recreational, or water, sewer or other utility projects, facilities or systems. Such revenue obligations may be made payable, both as to principal and interest, solely from the income, rentals, proceeds, revenues and finds of the City derived from the particular project, undertaking, facility, system or property in connection with which such obligations were authorized and issued, except that the payment of such obligations, both as to principal and interest, may be further secured by a pledge of any part or all of any special assessments upon property in a limited and determinable area connected or associated with or specially benefited by the particular project, undertaking, facility, system or property and/or by a mortgage of all or any part of such particular project, undertaking, facility, system, or property.

D. *Documentation.* In connection with the issuance of any obligations contemplated by this Section SC7-45, the City may enter into any indenture, trust agreement, loan agreement, mortgage, deed of trust, lease, letter of credit agreement, line of credit agreement, standby bond purchase agreement or other similar instrument and any other instruments customarily utilized in connection with financings of a similar nature, and the City may make therein such covenants [covenants] and commitments as may be required by any purchaser for the adequate security of such obligations.

E. *Authority not exclusive.* The City may issue and sell bonds, notes and other evidences of indebtedness contemplated by this Section SC7-45 in accordance with the provisions of Section SC7-46 or as otherwise provided in accordance with applicable Maryland public general or public local law. The authority provided by this Section SC7-45 shall be considered additional and supplemental to any other borrowing authority granted to the City by Maryland public general or public local law, and the City may authorize, issue and secure any such debt in conformity with this Charter or any other applicable Maryland law, including, (without limitation) the Maryland Economic Development Revenue Bond Act or the provisions of Section 12 of Article 31 of the Annotated Code of Maryland, as amended. (1959 Code, sec. 381. 1951, ch. 534, sec. 100.) (Amended 3-26-62 by Res. No. 10.) (See note (13): Amended 11-18-84 by Res. No. 260; Res. No. 629, 3-2-99; Res. No. 1246, 6-28-05.)

Section SC7-46. Procedure.

A. *Approval.* All bonds, notes or other evidences of indebtedness issued under the provisions of this Charter (unless authorized and issued in accordance with other applicable Maryland law) shall be authorized by an ordinance that shall contain: (1) a statement of the maximum principal amount of such obligations to be issued; (2) a statement of the purpose or purposes for which the proceeds of such obligations are to be expended; (3) a pledge of the security for such obligations or provisions for the making of such pledge by resolutions; and (4) a requirement that prior to the issuance of any such obligations, the Council shall adopt a resolution in accordance with the provisions of this subsection A. Prior to issuing any such obligations, the Council shall adopt a resolution containing, determining or providing for the determination of, or approving or providing for the approval of (1) the designation, date of issue, denomination or denominations, form or forms and tenor of such obligations; (2) the rate or rates of interest payable on such obligations (which may be fixed or variable or may be determined by a method approved or provided for); (3) the date or dates and amounts of maturity, (4) the manner of selling such obligations, which may be either at public or private sale, for such price or prices as may be determined to be in the best interest of the City; (5) any desired provisions relating to the redemption of such obligations prior to maturity (which may be at a premium); (6) any documents pursuant to which such obligations are to be issued or secured; and (7) such other provisions regarding the terms, conditions, issuance, sale, delivery and security of and for such obligations as the Council may determine necessary or desirable. By resolution the Council may delegate to a specified official or officials the authority to approve any matters or make any determinations contemplated by this Section SC7-46. A resolution adopted pursuant to this subsection A. may be introduced and adopted at a single session of the Council, may not be petitioned to referendum and shall become effective immediately upon adoption or upon the date specified in such resolution.

B. *Form.* Bonds, notes or other evidences of indebtedness may be either coupon or registered bonds. From January 1, 1952, all such obligations, except for obligations with final maturities of five (5) years or less, shall have serial maturities, or have the benefit of a sinking fund sufficient to retire the issue at market. They shall be issued in such denominations, at such rate or rates of interest and for such period of time as the Council may decide.

C. *Signature.* All bonds, notes or other evidences of indebtedness shall be signed by the Mayor, the seal of the city attached thereto and attested by the City Clerk, except that the Mayor's signature and said seal may be facsimiles engraved or printed or reproduced by other mechanical process; provided that with respect to any obligations which are required to be manually signed by a Trustee, issuing agent, fiscal agent, registrar or other agent or custodian, the signature of the City Clerk may also be a facsimile engraved or printed or reproduced by other mechanical process.

D. *Delivery.* When signed and attested, the bonds, notes or other evidences of indebtedness shall be delivered to the Director of Internal Services, who shall be responsible for their safekeeping until sold, provided that the Council may appoint a Trustee, bond registrar, paying agent or other custodian to act in place of the Director of Internal Services for purposes of this section.

E. *Sale.* As determined by or provide for in the authorizing resolution, the bonds, notes or other evidences of indebtedness may be issued and sold: (1) by private (negotiated) sale without advertisement or solicitation of competitive bids or by the solicitation of competitive bids at public sale after publication or dissemination of notice of the sale (which competitive bids may be delivered by electronic or facsimile means or by any other commercially reasonable manner), and any notice of sale may be published solely in summary form twice in a newspaper of general circulation in the City and/or in a generally recognized financial journal such as *The Bond Buyer*, with the first insertion to be not less than 10 days prior to the date of sale, or any notice of sale may be disseminated solely in electronic form and/or in any other commercially reasonable manner; (2) for a price or prices that may be at, above or below the par value of such obligations; (3) at a rate or rates of interest that may be fixed or variable or may be determined by other method approved or provided for; and (4) for either cash or other valuable consideration.

F. *Funds.* Proceeds from the sale of all bonds, notes or other evidences of indebtedness shall be kept by the Director of Internal Services under such rules and regulations as the Council may prescribe, unless the Council by resolution shall designate some other custodian.

G. *Issue.* The Council may regulate the issuing or sale of bonds, notes or other evidences of indebtedness in any manner not contrary to this Charter.

H. *Other laws.* No provision or limitation contained in this Charter shall apply to or affect the issuance and sale of bonds, notes or other evidences of indebtedness by the city pursuant to the provisions of Article 43, titled "Health," of the Annotated Code of the Public General Laws of Maryland (1957 Edition), or any amendments thereto, Section 12 of Article 31, titled "Issuance of bond anticipation notes," of the Annotated Code of Maryland, as amended, Sections 14-101 through 14-109, inclusive, of Article 41, titled "Maryland Economic Development Revenue Bond Act," of the Annotated Code of Maryland, as amended, or any other applicable public general or public local law providing borrowing authority to the City, except as otherwise expressly provided in this Charter.

I. *Previous issues.* All bonds, notes or other evidences of indebtedness issued by the City pursuant to Charter Sections SC7-45 or SC7-46 prior to the effective date of this Charter, as amended to date, and all ordinances and resolutions passed concerning them, are hereby declared to be valid, legal and binding and of full force and effect as if set forth therein. (Amended 8-23-65 by Res. No. 60.) (See note (14); 3-14-66 by Res. No. 76.) (See note (15); 1-11-88 by Res. No. 313.) (1959 Code, sec. 382. 1951, ch. 534, sec. 101; 1953, ch. 713, sec. 101 (h).) (Amended 10-24-55 by Ord. No. 734; 3-26-62 by Res. No. 10.) (See note (13)) (Res. No. 629, 3-2-99; Res. No. 1246, 6-28-05; Res. No. 1395, 5-30-06.)

Section SC7-47. Tax anticipation notes.

The City of Salisbury shall have the power to borrow for current operations in any budget year an amount not to exceed thirty-five percent (35%) of the revenues to be collected for that budget year, giving tax anticipation notes for such borrowings. These notes may be renewed from time to time but must be finally paid off by the end of the budget year next succeeding the one in which the borrowing took place. In addition, no original borrowing nor any renewal thereof shall be made for an amount that will bring the total outstanding tax anticipation indebtedness against any budget year in excess of seventy-five percent (75%) of the revenues of that budget year uncollected at the time the borrowing or renewal takes place. All notes or other evidences of indebtedness issued under the provisions of this section and the interest thereon shall be paid from the general tax levy of the city. The payment of any notes or other evidences of indebtedness issued under the provisions of this section and the interest thereon must be made from the general taxes levied for use of the city. Levying or collecting any special tax for the payment of these notes or other evidences of indebtedness is expressly prohibited. The notes or other evidences of indebtedness issued under this section need not be submitted to a vote of the qualified voters of the city as provided in § SC7-47 [SC7-46] (See note (16)) of this Charter. They shall be sold in the manner provided by the Council. (1959 Code, sec. 383. 1951, ch. 534, sec. 102; 1953, ch. 500, sec. 102; Res. No. 629, 3-2-99.)

Section SC7-48. Debt limit.

The total bonded indebtedness of the City of Salisbury represented by its bonds payable from its general tax revenues outstanding at the time any such bonds are issued shall not exceed an amount which is equal to four (4) percent of the assessed valuation of all real property subject to taxation by the City of Salisbury, plus ten (10) percent of the assessed valuation of all personal, corporate and utility personal property subject to taxation by the City of Salisbury. Any bonds issued pursuant to the authority of Article 41, Sections 14-201 through 14-214 of the Annotated Code of Maryland (the Tax Increment Financing Act), as replaced, supplemented or amended, shall not be counted in calculating such debt limit unless such bonds are also issued as general obligation bonds in accordance with such Act. (1959 Code, sec. 384. 1953, ch. 500, sec. 102A.; Amended 3-26-62 by Res. No. 10 (See note (13)); Res. No. 629, 3-2-99; Res. No. 771, 8-28-01; Res. No. 971, 7-1-03; Res. No. 1235, 6-28-05.)

Section SC7-49. Emergency appropriations.

At any time in the budget year, the Council may, pursuant to this section, make emergency appropriations to meet a pressing need for public expenditure, for other than a regular or recurring requirement, to protect the public health, safety or welfare. Such appropriation shall be by resolution adopted by the favorable votes of at least four-fifths (4/5) of the members of the Council and shall be made only on recommendation of the Mayor. The total amount of any emergency appropriations made in any budget year shall not exceed three percent (3%) of the total appropriations made in the budget for that year. (1959 Code, sec. 385. 1951, ch. 534, sec. 103; Res. No. 629, 3-2-99.)

Section SC7-50. Emergency borrowing.

In the absence of unappropriated available revenues to meet emergency appropriations made under the provisions of § SC7-50 [SC7-49], the Council may by resolution authorize the issuance of notes, each of which shall be designated “emergency notes” and may be renewed from time to time, but all such notes of any fiscal year and any renewals thereof shall be paid not later than the last day of the fiscal year next succeeding the budget year in which the emergency appropriation was made. The notes issued under this section need not be submitted to a vote of the qualified voters of the city as provided in § SC7-47 [SC7-46] (See note (16)) of this Charter. They shall be sold in the manner provided by the Council. (1959 Code, sec. 386. 1951, ch. 534, sec. 104; Res. No. 629, 3-2-99.)

Section SC7-51. Previous issues.

All bonds, notes or other evidences of indebtedness issued previous to January 1, 1952, and all ordinances passed concerning them are hereby declared to be valid, legal and binding and of full force and effect as if herein fully set forth. (1959 Code, sec. 387. 1951, ch. 534, sec. 105; Res. No. 629, 3-2-99.)

Section SC7-52. Tax exemption.

All bonds, notes or other evidences of indebtedness issued and sold by the City of Salisbury under the authority of this Charter shall be exempt from all state, county and municipal taxes in Maryland. (1959 Code, sec. 388. 1951, ch. 534, sec. 106; Res. No. 629, 3-2-99.)

ARTICLE VIII

City Clerk

Section SC8-1. Appointment.

The City Clerk shall be appointed by the Council and serve at the pleasure of the Council. (1959 Code, sec. 389. 1951, ch. 534, sec. 107.)

Section SC8-2. Qualifications.

The City Clerk may be the same person who is Treasurer of the city. (1959 Code, sec. 390. 1951, ch. 534, sec. 108.)

Section SC8-3. Duties.

The City Clerk shall attend every meeting of the Council and keep a full, accurate and indexed account of the proceedings of the Council. He shall keep such other records and perform such other duties as may be ordered by the Council or by this Charter. (1959 Code, sec. 391. 1951, ch. 534, sec. 109.)

ARTICLE IX Department of Law

Section SC9-1. City Solicitor.

There shall be a Department of Law headed by the City Solicitor. The City Solicitor and Assistant City Solicitors, as necessary, shall be appointed by and serve at the pleasure of the Council. The compensation of the City Solicitor and Assistant City Solicitors, as necessary, shall be determined by the Council. Additional legal council may be authorized and/or retained from time to time by the Council. (1959 Code, sec. 392. 1951, ch. 534, sec. 110; Res. No. 288, 9-2-86; Res. No. 2109, 11-29-11.)

Section SC9-2. Qualifications.

The City Solicitor and Assistant City Solicitors, as necessary, shall be members of the Bar of the Circuit Court for Wicomico County who have practiced law and maintained a principal office in the City of Salisbury for not less than one (1) year preceding appointment. (1959 Code, sec. 393. 1951, ch. 534, sec. 111; Res. No. 288, 9-2-86; Res. No. 2109, 11-29-11.)

Section SC9-3. Duties.

The duties of the City Solicitor and Assistant City Solicitors, as necessary, shall include the following:

A. *Legal adviser.* The City Solicitor and Assistant City Solicitors, as necessary shall be the legal advisers of the City of Salisbury and shall have general supervision and direction of all legal business of the city.

B. *Litigation.* The City Solicitor and Assistant City Solicitors, as necessary, shall have charge of the preparation and trial of all suits, actions and proceedings of every kind to which the city shall be involved in any court, board, commission or any other legal proceeding.

C. *Opinions and advice.* Upon the request of the Mayor, Council, any member thereof or any officer of the city, the City Solicitor or Assistant City Solicitors, as necessary, shall give oral and/or written advice on all questions of law which may be referred.

D. *Ordinances and Resolutions.* The City Solicitor and Assistant City Solicitors, as necessary, shall prepare, or supervise or review the preparation, of any ordinances or resolutions for introduction into the Council.

E. *Contracts.* The City Solicitor and Assistant City Solicitors, as necessary, shall prepare, or supervise or review the preparation of, examine and approve as to form all the contracts, specifications, deeds and other legal papers of the city. (1959 Code, sec. 394. 1951, ch. 534, sec. 112; Res. No. 288, 9-2-86; Res. No. 2109, 11-29-11.)

ARTICLE X

Department of Public Works

Section SC10-1. Director of Public Works.

A. There shall be a Department of Public Works headed by a Director of Public Works. The Director of Public Works shall be appointed by the Mayor with the advice and consent of a majority of the full Council and shall serve continuously unless terminated pursuant to § SC2-10. The compensation for the Director shall be determined by a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter.

B. For convenience of administration, the Mayor and Director of Public Works, with the consent of a majority of the full Council, may divide the Department of Public Works into bureaus, such as a Bureau of Engineering, a Bureau of Streets, a Bureau of Water Supply, a Bureau of Sanitation and other similar bureaus. (1959 Code, sec. 395. 1951, ch. 534, sec. 113.) (Amended 9-9-57 by Ord. No. 765A; Res. No. 1247, 7-12-05.)

Section SC10-2. Duties.

Under the authority of the Mayor and the direct supervision of the City Administrator, the Director of Public Works shall:

A. Have general supervision and direction over the planning, construction, operation, maintenance and repair of the public ways, sidewalks, gutters, water system and plant, sanitary sewerage system, sewage disposal plant, garbage incinerator plant, airport and such other public works or improvements as the city may undertake.

B. Recommend from time to time to the Council through the Mayor such public works or improvements as he deems necessary.

C. Supply engineering advice to the Mayor, the Council or other officers of the city when they request it.

D. Do such other things as the Council or the Mayor may require. (1959 Code, sec. 396. 1951, ch. 534, sec. 114.) (Amended 1-9-61 by Res. No. 4; Res. No. 1247, 7-12-05.) (See note (17))

ARTICLE XI

Public Ways and Sidewalks

Section SC11-1. Definitions.

The term “public ways” as used in this Charter shall refer to all streets, avenues, roads, highways, public thoroughfares, lanes and alleys which at present are or in the future may be within the City of Salisbury. (1959 Code, sec. 397. 1951, ch. 534, sec. 115.)

Section SC11-2. Control.

The City of Salisbury shall have charge of all the public ways of the city except such as may be under the jurisdiction of the Maryland State Roads Commission. Subject to the laws of the State of Maryland and this Charter, the City of Salisbury may do whatever it deems necessary to establish, operate and maintain in good condition the public ways within the city. (1959 Code, sec. 398. 1951, ch. 534, sec. 116.)

Section SC11-3. Public ways.

The City of Salisbury shall have the power:

A. To establish and change from time to time the grade lines, width and construction materials of any public way or part thereof.

B. To grade, lay out, open, extend and make new public ways.

C. To grade, straighten, widen, alter, improve or close any existing public way or part thereof.

D. To pave, surface, repave or resurface any public way or part thereof. (1959 Code, sec. 399. 1951, ch. 534, sec. 117.) (Amended 9-10-62 by Res. No. 12.) (See note (18))

Section SC11-4. Sidewalks.

The City of Salisbury shall have the power:

A. To establish and change from time to time the grade lines, width and construction materials of any sidewalk or gutter or part thereof.

B. To grade, lay out, construct, reconstruct, pave, repave, repair, extend or otherwise alter the sidewalks along any public way or part thereof.

C. To install, repair and maintain curbs and/or gutters along any public way or part thereof.

D. To assess the cost of any projects under this section on the abutting property in the manner provided in § SC14–2 of this Charter. (1959 Code, sec. 400. 1951, ch. 534, sec. 118.)

Section SC11–5. Construction by property owners.

The City of Salisbury shall have the power to require and order the owner of any property abutting on any public way to perform any projects under § SC11–4 of this Charter at the owner's expense according to reasonable plans and specifications established by the Department of Public Works. If, after due notice and hearing, the owner fails to comply with the order within a reasonable time, the city may do the work, and the expense shall be a lien on the property and shall be collectible in the same manner as are other taxes. (1959 Code, sec. 401. 1951, ch. 534, sec. 119.)

Section SC11–6. Other projects.

The city shall have the power:

A. Public squares, bridges and watercourses. To lay out, construct and maintain public squares, bridges and watercourses. (Amended 1–10–66 by Res. No. 73.) (See note (19))

B. To remove trees, posts and other obstructions when necessary to carry out any projects under this Article. (1959 Code, sec. 402. 1951, ch. 534, sec. 120.)

Section SC11–7. Acquisition of property.

For the purpose of carrying out any of the work or projects provided for in this Article, the city shall have the power to purchase or condemn any property it deems necessary as hereinafter provided. Any of these projects shall be considered as public improvements within the meaning of § SC15–1 of this Charter. Any condemnation proceedings shall be carried on in accordance with § SC15–1 of this Charter. (1959 Code, sec. 403. 1951, ch. 534, sec. 121.)

Section SC11–8. Subdivision control.

The City of Salisbury shall have the power to regulate all subdivisions or resubdivisions of land within the city. For the purpose of putting this section into effect, no plat or plan of any subdivision or resubdivision within the city shall be recorded among the land records of

Wicomico County by the Clerk of the Circuit Court for Wicomico County until the plat or plan has been approved in writing by the Salisbury Planning Commission. The Council shall have the power to prescribe rules and regulations governing the filing of plats and plans, the erection of permanent markers wherever necessary, the supplying of necessary topographical data, the laying out and constructing of proposed streets, the establishment of building lines and zoning regulations and such other things as it may deem necessary for the proper control of subdivisions or resubdivisions. No public way shall be accepted for public use unless the plat and location thereof shall have been submitted to and approved in writing by the Salisbury Planning Commission. (1959 Code, sec. 404. 1951, ch. 534, sec. 122.) (Amended 1-9-61 by Res. No. 4.) (See note (17))

Section SC11-9. Unauthorized changes.

No public way, sidewalk, curb or gutter shall be graded or the grade changed, nor shall any other work be done, except in accordance with plans approved by the Department of Public Works. Any person violating the provisions of this section shall be guilty of a misdemeanor and in addition may be required to restore the public way, sidewalk, curb or gutter to its original condition at his own expense. (1959 Code, sec. 405. 1951, ch. 534, sec. 123.)

Section SC11-10. Bonds.

The City of Salisbury shall have the power to issue bonds in accordance with the provisions of § SC7-47 of this Charter to finance work on public ways, sidewalks, curbs, gutters or other projects undertaken under the provisions of this Article. (1959 Code, sec. 407. 1951, ch. 534, sec. 125.)

Section SC11-11. Dams.

When any milldam within the limits of the City of Salisbury has been or shall be acquired as a public way and there is a flumeway or passage for water from the dam to a mill or other place where the waterpower is used, on the opposite side of such public way, such flumeway shall be constructed throughout the distance that it passes through the public way in a safe and substantial manner, and the bridge over the same shall be constructed in a safe and substantial manner. Both shall be maintained in good and safe condition by the owner of such dam at his own expense, and such owner shall be liable for any damage or injury caused by the negligence of such owner in constructing or maintaining the same. The Council may pass ordinances for the enforcement of these provisions and provide appropriate fines and penalties for noncompliance therewith. The owner of any such dam, mill or other such place where such waterpower is used may, after one (1) month's notice to the Council, abandon such flumeway by written notice delivered to the City Clerk. After such notice, the City of Salisbury shall have full control of the public way over the dam as over other public ways in the city. (1959 Code, sec. 409. 1951, ch. 534, sec. 127; Res. No. 1247, 7-12-05.)

ARTICLE XII

Water, Sewers and Garbage

Section SC12-1. Powers.

The City of Salisbury shall have the power:

- A. To operate the water system and the waterworks of the city.
- B. To construct and operate a sanitary sewerage system, a sewage treatment plant and stormwater sewers.
- C. To construct and operate a garbage incinerator plant.
- D. To construct, maintain, reconstruct, enlarge, alter, repair, improve or dispose of all parts, installations and structures of the above systems and plants.
- E. To have surveys, plans, specifications and estimates made for any of the above plants or systems or parts thereof or the extension thereof.
- F. To do such things as may be necessary for the efficient operation and maintenance of the above plants and systems. (1959 Code, sec. 410. 1951, ch. 534, sec. 128.)

Section SC12-2. Department of Public Works.

The construction, operation, maintenance and repair of the city's water supply system, water plant, sanitary sewerage system, sewage treatment plant, stormwater sewers and garbage incinerator plant and all other matters pertaining thereto as provided in this Charter shall be under the direction and supervision of the Department of Public Works. (1959 Code, sec. 411. 1951, ch. 534, sec. 129.)

Section SC12-3. Placing structures in public ways.

Any public service corporation, company or individual, before beginning any construction or placing or changing the location of any main, conduit, pipe or other structure in the public ways of the city, shall submit plans to the Director of Public Works and obtain his written approval. Any public service corporation, company or individual violating the provisions of this section shall be guilty of a misdemeanor. If any unauthorized main, conduit, pipe or other structure interferes with the operation of the water, sewerage or stormwater systems, the Department of Public Works may order it removed. (1959 Code, sec. 413. 1951, ch. 534, sec. 131.)

Section SC12-4. Obstructions.

All individuals, firms or corporations having mains, pipes, conduits or other structures in, on or over any public way which impede the establishment, construction or operation of any

sewer or water main shall, upon reasonable notice, remove or adjust the obstructions to the satisfaction of the Director of Public Works. If necessary to carry out this section, the city may use its condemnation powers provided in § SC15-1 to remove the obstructions. (1959 Code, sec. 414. 1951, ch. 534, sec. 132.)

Section SC12-5. Entering on county or state public ways.

The city may enter upon or do construction in any county public way (except state highways) for the purpose of installing or repairing any equipment or doing any other things necessary to establish, operate and maintain the water system, sanitary sewerage system, sewage treatment plant or stormwater sewers provided for in this Charter. The city need not obtain any permit or pay any charge for these operations; but it must notify the county of its intent to enter on the public way and must leave the public way in a condition not inferior to that existing before. When the city desires to enter on any state highway for the purposes aforesaid, it must first comply with the provisions of Section 21 of Article 89B of the Code of Public General Laws of Maryland (1939 Edition). (See note (20)) (1959 Code, sec. 415. 1951, ch. 534, sec. 133.)

Section SC12-6. Acquisition of property.

The City of Salisbury shall have the power to acquire by gift, purchase, lease or condemnation any land, improvements, rights-of-way, sources of water or other property of any kind or interest therein or franchise connected therewith within Wicomico County, whether used for public, quasi-public or private purposes, either in fee or as an easement, for the purpose of establishing, operating, extending or maintaining the water system, sanitary sewerage system, sewage treatment plant, stormwater sewers or garbage incinerator plant provided for in this Charter. Any condemnation proceedings under this section shall be carried on in accordance with the provisions of § SC15-1 of this Charter, and the activities mentioned in this section shall be considered as public improvements within the meaning of § SC15-1 of this Charter. (1959 Code, sec. 416. 1951, ch. 534, sec. 134.)

Section SC12-7. Connections.

The City of Salisbury shall provide a connection with water and sanitary sewer mains for all property located within the City and abutting on any public way in which a sanitary sewer or water main is laid. The City shall determine an appropriate fee or assessment for connection to the water and sanitary sewer main. When any water main or sanitary sewer is declared ready for operation by the Department of Public Works, all abutting property owners after reasonable notice shall connect all fixtures with the water or sewer main. The Director of Public Works may require that, if existing fixtures are unsatisfactory, new ones be installed and may require that all septic tanks, sink drains and privies be abandoned and left in such a way as not to injure public health. All wells found to be polluted or a menace to health by the Director of Public Works shall be abandoned and closed. Any violation of the provisions of this section shall be a misdemeanor. (1959 Code, sec. 417. 1951, ch. 534, sec. 135; Res. No. 838, 6-11-02.)

Section SC12–8. Revolving Fund.

To facilitate connections with water and sewer mains, the Council may establish a Revolving Fund of not more than twenty–five percent (25) of the depreciation reserve of the water and sewer revenue to finance the installation of the minimum number of fixtures in residences or dwellings required by the Plumbing Code of the city. Should any property owner for financial or other reasons be unable or fail to connect to the water or sewer mains upon reasonable notice, the city shall do the work or have it done. The cost of the work with six–percent interest shall be collected from the property owner over a four–year period. All such charges shall be a lien against the property and shall be collectible as city taxes are collected. These charges shall be billed and collected by the Department of Finance. (1959 Code, sec. 418. 1951, ch. 534, sec. 136.)

Section SC12–9. Extensions beyond boundaries.

The City of Salisbury shall have the power to extend its water or sewerage systems beyond the city limits. All charges for any such project or service shall be as established by the Council as policy as established by ordinance or resolution. (1959 Code, sec. 419. 1951, ch. 534, sec. 137; Res. No. 241, 8–31–82.)

Section SC12–10. Construction of private systems.

Within such parts of the city and within such areas beyond the city limits as have been supplied with water or sewerage systems by the city, no water supply, sewerage or stormwater drainage or any part or appurtenances thereof, and no water mains, sewers or drains or connections therewith, shall be constructed by any person or persons, firm, corporation, institution or community, whether upon private premises or otherwise, without the written consent of and under rules prescribed by the Department of Public Works. Any violation of the provisions of this section shall be a misdemeanor. (1959 Code, sec. 420. 1951, ch. 534, sec. 138.) (Amended 7–10–61 by Res. No. 7.) (See note (21))

Section SC12–11. Pollution of water supply.

No person shall do anything which will discolor, pollute or tend to pollute any water used or to be used in the city water supply system. Any violation of the provisions of this section shall be a misdemeanor. (1959 Code, sec. 421. 1951, ch. 534, sec. 139.)

Section SC12–12. Finance.

For the purpose of financing and paying for the construction, operation, maintenance and repair of the water supply system, water plant, sanitary sewerage system, sewage treatment plant, stormwater sewers, garbage incinerator plant and other improvements provided for under the provisions of this Article, the City of Salisbury shall have the power:

- A. To issue bonds in accordance with the provisions of § SC7–47 of this Charter.

B. To assess the cost of these projects or any part thereof on the property abutting on the water, sewerage and stormwater sewers in accordance with § SC14–2 of this Charter.

C. To charge and collect such service rates, water rents or other charges as may be necessary for water supplied and for the removal of sewage. These charges are to be billed and collected by the Department of Finance and, if water bills are uncollected within thirty (30) days, the water may be turned off. All charges shall be a lien on the property, collectible in the same manner as city taxes. (1959 Code, sec. 422. 1951, ch. 534, sec. 140.)

ARTICLE XIII

Repealed. See Appendix I.

ARTICLE XIV

Special Assessment Procedure

Section SC14–1. Levy and collection of special assessments.

The City of Salisbury shall have the power to levy and collect taxes in the form of special assessments upon property in a limited and determinable area for special benefits conferred upon such property by the construction or installation of public improvements and to provide for the payment of all or any part of the cost of such public improvements out of the proceeds of such special assessment. Public improvements shall be construed to include all those enumerated in § SC15–1 of this Charter and any other or additional public property, rights, works or facilities acquired or constructed by the city for and devoted to public uses or purposes. The Council shall determine whether a public improvement confers special benefits upon property in a limited and determinable area less than the whole city; and if so, the Council further shall determine whether such public improvement confers special benefits upon property immediately abutting same or confers special benefits upon property in a special assessment district in which the improvement is located. In making its determination, the Council shall consider the nature, purpose, scope, duration, size, cost or estimated cost and location of the particular public improvement and any other information the Council considers material to its decision, which shall be final; and prior to making its decision, the Council may hold a public hearing after such public notice as it deems appropriate. After the Council’s determination, the respective procedures for special assessments set forth in §§ SC14–2 and SC14–3 of this Charter shall be followed, except that for the purpose of relocating, opening, widening and closing of streets, alleys and public highways the additional procedure set forth in § SC15–1 is authorized and shall be followed if the Council expressly so elects. (1959 Code, sec. 423. 1951, ch. 534, sec. 141.) (Amended 9–10–62 by Res. No. 12.) (See note (18))

Section SC14–2. Procedure where abutting properties are specially benefited.

Unless the Council directs that the procedure set forth in § SC15–1 shall be followed, the procedure for special assessments shall be as follows whenever the Council shall have

determined that a public improvement confers special benefits upon property immediately abutting same:

A. *Apportionment of costs.* The cost of the work being charged for shall be assessed according to the front-foot rule of apportionment or some other equitable basis determined by the Council.

B. *Limitation on amount assessed.* The amount assessed against any property for any project or improvement shall not exceed the value of the benefits accruing to the property therefrom, nor shall any special assessment be levied which shall cause the total amount of special assessments levied by the city and outstanding against any property at any time, exclusive of delinquent installments, to exceed twenty-five percent (25%) of the fair cash market value of the property after giving effect to the benefit accruing thereto from the project or improvement for which assessed.

C. *Classes of property.* When desirable, the affected property may be divided into different classes to be charged different rates, but, except for this, any rate shall be uniform.

D. *Ratification of charges; hearing.* Before any charge is levied, it shall be ratified by the Council. The City Clerk shall cause notice to be given stating the nature of the proposed project or improvement and the place and time at which all persons interested, or their agents or attorneys, may appear before the Council and be heard concerning the proposed special assessment. Such notice shall be given by sending a copy thereof by mail to the owner of record of each parcel of property assessed and to the person in whose name the property is assessed for taxation and by publication of a copy of the notice at least once in a newspaper of general circulation in the city. The City Clerk shall present at the hearing a certificate of publication and mailing of copies of the notice, which certificate shall be deemed proof of notice, but failure of any owner to receive the mailed copy shall not invalidate the proceedings. The date of hearing shall be set at least ten (10) and not more than thirty (30) days after the City Clerk shall have completed publication and service of notice as provided in this section.

E. *Appeal.* Any interested person feeling aggrieved by the ratification of any special assessment under the provisions of this section shall have the right to appeal to the Circuit Court for Wicomico County within ten (10) days after the final ratification of any assessment by the Council.

F. *Lien for unpaid charges.* All charges remaining unpaid after a reasonable period, to be determined by the Council, shall become liens on the property and shall be collectible as are other city taxes.

G. *Payment in installments.* Special assessments may be made payable in annual or more frequent installments over such period of time and in such manner as the Council may decide.

H. *Billing and collection.* All special assessments levied under this section shall be billed and collected by the Department of Finance. (1959, Code, sec. 424. 1951, ch. 534, sec. 142.) (Amended 9–10–62 by Res. No. 12.) (See note (18))

Section SC14–3. Procedure where special assessment districts are specially benefited.

A. *Districts.* The city shall have the power to establish special assessment districts in limited and determinable areas for the purpose of financing the cost of acquisition and development of public improvements located in such areas, and the following procedure shall be followed whenever the Council shall have determined that a public improvement confers special benefits upon such a district, unless the Council directs that the procedure set forth in § SC15–1 shall be followed.

B. *Taxes.* The city shall have the power to levy ad valorem taxes on real and tangible property situated in any such special assessment district per one hundred dollars (\$100.) of assessed valuation at an annual rate sufficient for the purpose of defraying part or all of the cost of acquisition and development of public improvements located within the limits of such special assessment district. The city may exempt from the levy of the special tax hereby authorized, the following classes of properties:

- (1) Properties used for industrial purposes only.
- (2) Properties used for residential purposes only.
- (3) Properties furnishing off–street parking facilities equal to the requirements of any general Zoning Ordinance or Off–Street Parking Ordinance of the city.

C. *Notice.* The boundaries of all such special assessment districts shall be established by ordinance. At least fifteen (15) days" notice in one (1) or more newspapers published in Salisbury shall be given before the final passage of any such ordinance. The notice shall include a description of the boundaries of the special assessment district proposed and shall fix the time and place for a public hearing thereon.

D. *Tax collections.* The special taxes hereinabove authorized shall be levied and collected, have the same priority rights, bear the same interest and penalties and in every respect be treated as city taxes. Any levy made hereunder shall be considered as not being for a general purpose of the city but as for the purpose of servicing bonds of the city. (1959 Code, sec. 425.) (Amended 7–28–58 by Ord. No. 777; 9–10–62 by Res. No. 12 (See note (18)) as sec. 142A; 4–26–65 by Res. No. 53.) (See note (23))

ARTICLE XV

Condemnation

Section SC15-1. Procedure.

The City of Salisbury shall have the power to condemn any property, right or interest belonging to any person, persons, corporation or corporations (whether such corporation be public or private and whether such property, right or interest be impressed with a prior public or quasi-public use or not) for the purpose of making public improvements. Public improvements shall be construed to mean sewers, drains, disposal plants, public buildings, water systems, waterworks, water and watercourses, rights-of-way, streets, alleys, other public ways and sidewalks, parks and parking lots. The manner of procedure in case of any condemnation proceeding shall be that established in Article 33A of the Annotated Code of Maryland, titled "Eminent Domain," (See note (22)) except that for the purpose of relocating, opening, widening and closing of streets, alleys and public highways the following additional procedure is authorized:

A. *Maps.* The Council, upon its own motion, or at the suggestion of the Mayor, or at the instance of any citizen or citizens, of Salisbury, if it sees fit so to do, by order, motion, resolution or ordinance, may determine to undertake any improvement which it is authorized to make and shall thereupon direct the City Engineer, or some other competent person, to prepare a map or plat of the proposed improvement. The validity of the proceedings shall in no measure depend upon the taking of this preliminary step, it being intended merely as a means of placing before the Council accurate information as to the work to be done.

B. *Ordinance.* The Mayor and Council shall pass an ordinance as other ordinances are passed, directing that the proposed improvement be made and specifying the course and location of the proposed improvement and describing the property to be taken with sufficient certainty to enable a surveyor to lay the same out and directing the Mayor to appoint a commission to estimate damages and benefits and to obtain such other information specified in said ordinance as the Council may desire.

C. *Viewers.*

(1) The Mayor shall appoint three (3) disinterested persons, residents of Salisbury, to estimate damages and benefits, which appointments shall be ratified by the Council.

(2) In the event that any person or persons so appointed shall not be ratified by the Council, or shall fail to take the oath hereinafter prescribed within the time limited therefor, or shall for any reason fail, refuse or be unable to serve on such commission, then the Mayor shall appoint another or others to serve in the place of such person or persons, which appointment shall be made in the same manner and subject to the same ratification as provided in the first instance.

(3) The Mayor, after the appointment, ratification and acceptance of said commissioners, shall issue a commission in writing under his hand to them authorizing them to exercise the powers and commanding them to perform the duties hereinafter required of them.

D. *Oath.* The three (3) persons so appointed shall, within five (5) days after the date of their commission, take oath before a Justice of the Peace of Wicomico County that they will faithfully, fairly and without partiality or prejudice estimate, in money value, what amount, if any, of damages will be caused by the proposed improvement to any property over, through, by or near which the proposed improvement will be made, or to the owner or occupant of said property or of any right or interest therein, and will likewise estimate, in money value, what amount, if any, of benefit will accrue by reason of the proposed improvement to any property over, through, by or near which the proposed improvements will be made, or to the owner or occupant of such property or of any right or interest therein. The said persons, or a majority of them, shall constitute and be a commission with the powers and duties hereinafter specified.

E. *Notice.* The said commission shall, within five (5) days after having taken the aforesaid oath, give at least seven (7) days' notice, by advertisement printed in one (1) or more newspapers published in the City of Salisbury, of its purpose to meet and estimate damage caused and benefits accruing by reason of the proposed improvement, and of the day, hour and place of such meeting and, in addition thereto, the said commission shall send a copy of said notice by registered mail to the owner of each piece of property affected by said improvement, as shown by said ordinance, and if the owner is an infant or non compose mentis, to his guardian or committee, as disclosed by the proceedings, at their last known address, and if the address of any owner is unknown, then they shall post a copy of said notice upon the property.

F. *Meetings.* The said committee shall meet at the time and place mentioned in the notice given by it, and at such other times as they may from time to time adjourn to, and shall proceed:

(1) To estimate, in money value, what amount, if any, of damages will be caused by the proposed improvement to any property, over, through, by or near which the proposed improvement will be made, or to the owner of [or] occupants of such property or of any right of interest therein;

(2) To estimate, in money value, what amount, if any, of benefits will accrue by reason of the proposed improvement to any property over, through, by or near which the proposed improvement will be made, or to the owner or occupant of such property or of any right or interest therein;

(3) To locate boundaries of the proposed improvement;

(4) To prepare or adopt an explanatory plat showing the location of each separate lot or parcel of land adjoining the proposed improvement or mentioned in the aforesaid estimate of benefits or damages, together with the name or names, or other designation of the owner or owners, or occupants of such lot or parcel or of any right or interest therein; and

(5) To obtain such other information as the Council may require of them or as may appear to them to be useful to the Council in making its determination of benefits and damages, etc.

G. *Report.* The said Commission shall, within five (5) days after the time set for their meeting, return to the Clerk of Salisbury a report in writing of its proceedings and estimates, together with the aforesaid explanatory plat, and a certificate of the qualifications of its members, and such other information as the council may require them to obtain, or as may appear to the commission to be useful to the Council in making its determination of benefits and damages.

H. *Publication.* At the next regular meeting of the Council after the return of said report, or as soon thereafter as may be possible, the said Clerk of Salisbury shall present the said report to the Council, and the said Council shall thereupon give at least ten (10) days" notice by publication in one (1) or more newspapers published in the said city of time and place where the said report will be acted upon.

I. *Hearing.*

(1) At the time and place set in the notice mentioned in Subsection H hereof, and at such other times and places as the said hearing may from time to time be adjourned to, the said Council shall consider the said report and hear objections thereto, and shall then determine, in money value, what, if any, amount of damages will be caused by the proposed improvement to any property over, through, by or near which the proposed improvement will be made, or to the owner or occupant of such property or of any right or interest therein, and shall determine in money value, what, if any, amount of benefit will accrue by reason of the proposed improvement to any property over, through, by or near which the proposed improvement will be made, or to the owner or occupant of such property or of any right or interest therein, provided that no benefits shall be assessed to any property not shown on the plat returned by the commission as required by Subsection G of this section or to the owner or occupant of any property not shown on said plat or of any right or interest therein.

(2) The said determination of the Council shall then and there be reduced to writing and signed by the President of the Council and annexed to the report of the said commission, whereupon such writing, or a certified copy thereof, shall become the best evidence of the determination so made.

(3) The said Council shall, within ten (10) days after making such determination, cause to be published in one (1) or more newspapers printed in the City of Salisbury, for at least two (2) insertions, notice of the fact that such determination has been made and that damages and benefits have been awarded to person, persons or corporation and in the amounts to be set forth in the said notice.

J. *Plan.* At no stage of the proceedings shall the Council have power to depart from the plan, except in some minor details, as set forth in the ordinance required by Subsection B of

this section, provided that the Council may depart from such plan by commencing new proceedings under this section.

K. *Appeal.* If any person shall feel aggrieved by the determination of the Council of damages or benefits or by its failure to award damages to him or his property, he may appeal to the Circuit Court of Wicomico County by giving written notice within ten (10) days after the publication of the notice required by Subsection I of this section, which said notice of appeal shall be filed with the Clerk of Salisbury. Upon the filing of the said notice of appeal, it shall be the duty of the said Clerk to deliver to the Clerk of the Circuit Court for Wicomico County a certified copy of the ordinance, commission, report, explanatory plat and written evidence of the determination hereinbefore mentioned and the same proceedings shall be had on appeal as in the case of appeals from the judgments of Justices of the Peace. The Court or jury, as the case may be, may alter the determination of the said Council of the damages and benefits, or either, and may award costs in its discretion.

L. *Final date.*

(1) Not later than six (6) months after judgment, in case an appeal is taken, or after the expiration of ten (10) days from the determination of damages and benefits by the Council as aforesaid, in case no appeal is taken, and prior to the payment or tender of damages to any person the Council shall determine, by motion or resolution or ordinance, to be recorded with the other proceedings, whether or not the proposed improvement shall be made.

(2) In case the Council determines not to continue with the proposed improvement, new commission may be issued as in the judgment of the Council may deem [be deemed] proper, and the city shall not be liable for any damages occasioned by the determination to discontinue the proceedings other than the costs of appeal, if any, awarded against them.

(3) In case the Council shall determine to make the proposed improvement, they may, at any time prior to the payment or tender of damages to any person, refund benefits received by the city, if any, with interest thereon, and discontinue the proceedings, and in such case the city shall not be liable for any damages occasioned by such discontinuance other than the costs of appeal, if any, awarded against them.

(4) It is intended by this subsection that the Council shall have the power to change their determination to carry on the proposed improvement but shall not have the power to change their determination to discontinue the said improvement.

M. *Tender of damages.*

(1) The city, before actually undertaking the work of the proposed improvement, shall pay or tender to the person, his agent, guardian or representative, the amount of damages awarded less the amount of benefits assessed. The said damages shall be considered personal property from the time of determination by the Council mentioned in Subsection I of this section.

(2) If for any reason the person to whom damages are payable refuses to receive said payment or, by reason of his infancy or other cause, is unable to receive and receipt for the same, the sum due him as damages less the amount of benefits assessed against his property shall be deposited in some bank in Salisbury paying interest on deposits, if any, otherwise in a bank elsewhere paying such interest, to the credit of the person entitled to such damages.

N. *Collections.* All benefits assessed under this section, less damages awarded, shall be liens on the respective lots or parcels benefited by the improvement from the time of passage of the ordinance required in Subsection B of this section, provided that if the proceedings are discontinued for any reason the lien of such assessment shall be void ab initio. Such assessments may be collected as taxes are collected or by action of law.

O. *Title.* Upon payment, or tender and deposit in proper case, of all damages awarded, the title to the lands condemned shall pass to the city, to have and to hold as other lands are held for public purposes.

P. *Invalidity.* If the Council shall fail to determine to proceed with the proposed improvement within the six (6) months mentioned in Subsection L of this section, then the proceedings shall be null and void ab initio. But if the Council shall determine to proceed with the proposed improvement within the said time, then the proceedings shall be valid and binding, in spite of irregularities [irregularities], defects and errors therein, upon all persons and corporations mentioned in the notice required by Subsection I of this section, who have not filed an appeal as provided in Subsection K of this section and upon all property of such persons or corporation damaged, taken or benefited by virtue of such proceedings, it being the intention of this subsection to cure all defects in such proceedings as to all persons and corporations except appellants, mentioned in the said notice and as against all attack except by appeal as provided, and in case the proceedings shall be held invalid as to an appellant they shall not be considered as invalid except as to that appellant, provided that whenever any proceedings shall be held invalid as to any person, the city shall, as soon after such holding as conveniently as may be, proceed to institute, as to such persons, new proceedings, or to do whatever else may be necessary, for the purpose of properly and fully carrying into effect the plan of the improvements as laid out in the ordinance required by Subsection B of this section. (1959 Code, sec. 426. 1951, ch. 534, sec. 143; 1953, ch. 137.)

ARTICLE XVI

Purchases and Sales; City Property Inventory

Section SC16–1. Division of Procurement.

A. There shall be a Division of Procurement within the Department of Internal Services. An Assistant Director of Internal Services – Procurement shall be recommended for appointment by the Director of Internal Services and appointed by the Mayor as provided in § SC3–4.C of the City Charter.

B. Under the authority of the Mayor and the direct supervision of the City Administrator, the Director of Internal Services shall make all city purchases and sales and shall make or approve all city contracts, except contracts to sell city bonds or other evidences of the city's public debt, and except that the Council by ordinance may permit direct purchasing by any office, department or agency of minor items where immediate procurement is necessary to prevent delays in its work and resulting loss to the city. The Council by ordinance shall fix, and from time to time may change, the maximum amount of any such direct purchase, provided that such maximum authorized amount shall in no event exceed the maximum direct purchase amount set by the ordinance of the Council, from time to time. The Director of Internal Services shall issue regulations controlling the procedure for such direct purchasing.

C. Except for such contracts to sell public debt securities and such direct purchases, no city purchase or contract for any purchase or sale or other contract shall be valid or enforceable unless approved in writing by the Director of Internal Services, and the City Administrator shall pay out no city funds for any contract or purchase unless so approved. (Added in 1962 by Res. No. 11 (See note (24)) as Sec. 144A; Res. No. 693, 4-4-00; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC16-2. Additional duties and powers of Director of Internal Services.

Under the authority of the Mayor and the direct supervision of the City Administrator, the Director of Internal Services shall:

A. Receive written requisitions or statements from the head of each city office, department or agency, specifying the public work done or to be done by it, or identifying the materials, equipment, supplies or services required by it, and authorizing its appropriation to be charged therefor.

B. Invite bids whenever competitive bidding is required by § SC16-3 of this Article and conduct the competitive bidding procedure established by the Council under § SC16-4 of this Article.

C. Enforce accounting control of each city purchase or contract as required by § SC16-6 of this Article and refuse to approve any purchase or contract involving any overexpenditure prohibited thereby.

D. After consulting the head of each city office, agency or department affected thereby, establish and enforce specifications with respect to supplies, materials, equipment and services required by it, except that any specifications fixed by the Board of Standardization created by § SC16-7 of this Article shall have precedence and be controlling.

E. Through appropriate city offices, agencies or departments see that all supplies, materials, equipment and services delivered to or performed for the city meet such specifications and arrange for the storage and proper care and custody of city property.

F. Authorize the transfer of surplus or unused city property to or between city offices, departments or agencies.

G. From time to time recommend to the Mayor and Council the sale or other disposition of surplus, obsolete or unused city property and obtain expert appraisal(s) thereof or estimate its value using his best information and judgment.

H. Perform such other functions related to purchasing or the city's fiscal and financial affairs as the Mayor or the Council may require. (Added in 1962 by Res. No. 11 as Sec. 144B; Res. No. 693, 4-4-00; Res. No. 1247, 7-12-05; Res. No. 1395, 5-30-06.)

Section SC16-3. General policy of competitive bidding; exceptions.

A. To secure economy in the construction of public works and the purchase of materials and supplies needed by the city, to prevent collusion, fraud, favoritism and extravagance in public contracts and to ensure that all interested persons will be given fair and equal opportunity to participate, the general policy of the city shall be to afford ample opportunity for competitive bidding before making any city purchase or public works contract or any contract to sell any city property, except in the following cases where competitive bidding procedures are not necessary or appropriate:

(1) The occurrence of an actual emergency, which is hereby defined to mean a situation which has suddenly and unexpectedly arisen and which requires immediate action in the public interest.

(2) Any single purchase or sale not exceeding an amount set by ordinance [ordinance] of the Council from time to time.

(3) Contracts for professional services or for personal services requiring special training and skill.

(4) Contracts for insurance or for public utility services.

(5) Recording charges, court costs and other regular fees and charges required by general law to be paid to particular persons or public officials; charges for the printing of public notices and advertisements required by law; postage, payroll taxes and other applicable governmental charges or levies; and travel and other like expense, membership dues and subscriptions to publications.

(6) Contracts for the purchase, exchange, renting, leasing or acquisition of real property by the city and contracts for the sale, exchange, renting, leasing or other disposition of surplus real property owned by the city; provided, however, that contracts for the sale, leasing for a term beyond three (3) years or other disposition of surplus real property owned by the city shall be excepted and exempt from competitive bidding procedures only if first offered for competitive public bidding at such time, after such public notice and subject to such bidding terms and conditions as the Council shall fix in its sole discretion and such bidding fails to

produce a proposal acceptable to the Council in its sole discretion and if made within a period of six (6) months following the bidding date. In every such public offering of surplus city real property for sale, leasing for a term beyond three (3) years or other disposition, the Council shall reserve the right to reject any and all bids and may, in its discretion, establish a price or rental terms below which no bid will be considered or accepted. (Amended 6-3-63 by Res. No. 21.) (See note (25))

(7) Contracts for the hire of chattels, or contracts for the purchase of special machinery and equipment and maintenance or replacement parts therefor, or other special materials and supplies, having an exclusive source of supply, provided that in each instance the hire of such chattels or purchase of such special item has first been approved by the Board of Standardization created by § SC16-7 of this Article.

(8) Construction, maintenance or repair of public works by the city's own employees in any amount, or by hired labor, but in the latter case not to exceed an amount set by Ordinance of the Council from time to time for labor cost in any single instance.

(9) Contracts in which the City receives a contract price negotiated by the State, County, or other governmental entity pursuant to a valid contract.

B. Contracts shall be let to the lowest and best bid in the case of purchases, or the highest and best bid in the case of sales, except that the city in every instance shall reserve the right to reject any or all bids, waive any irregularities and make the award in the best interests of the city. (Added in 1962 by Res. No. 11 (See note (24)) as Sec. 144C; Res. No. 693, 4-4-00.)

Section SC16-4. Procedure for competitive bidding.

The Council shall provide by ordinance the rules and regulations for competitive bidding and, by ordinance, may authorize informal bidding procedures in the case of any single contract, purchase or sale not exceeding the amount set by Ordinance of the Council from time to time. Council approval shall only be required for unbudgeted capital items and contracts in excess of an amount set by Ordinance of the Council from time to time. (Added in 1962 by Res. No. 11 as Sec. 144D; amended 8-10-81 by Res. No. 225; Res. No. 533, 9-10-96; Res. No. 693, 4-4-00.)

Section SC16-5. Procedure when competitive bidding not required.

Whenever competitive bidding is not required by § SC16-3 of this Article for any purchase, contract or sale to which this Article applies, same shall be controlled, processed and handled for the city by the Director of Internal Services under the rules and regulations issued by him or her and after consultation with the head of each city office, agency or department affected thereby regarding detailed terms, conditions and provisions applicable thereto. Such purchases, contracts and sales shall be subject to all other provisions of this Article. (Added in 1962 by Res. No. 11 (See note (24)) as Sec. 144E; Res. No. 693, 4-4-00; Res. No. 1395, 05-30-06.)

Section SC16-6. Accounting control; overexpenditure forbidden.

All purchases and contracts made for the city shall be made pursuant to a written requisition from the head of the office, department or agency whose appropriation will be charged. No purchase or contract shall be made for the city unless there is to the credit of such office, department or agency a sufficient unencumbered appropriation balance to cover the cost of such purchase or contract; and after such office, department or agency has spent or encumbered three-fourths (3/4) of its appropriation for the budget year, no further purchase or contract shall be made for it unless and until the Director of Internal Services certifies the existence of such sufficient balance. Nothing in this section, however, shall apply to purchases or contracts which are to be financed by the issuance or sale of bonds or to payments which are deferred until a future budget year or years. (Added in 1962 by Res. No. 11 as Sec. 144F; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC16-7. Board of Standardization established; composition; compensation; powers and duties; purchases without competitive bidding.

There shall be a Board of Standardization in the Department of Internal Services, and such Board shall be composed of the City Administrator, the President of the Council, the head of the city office, agency or department affected, the Director of Internal Services and one (1) person, not a city official, possessing professional or business experience, who shall be appointed by the Mayor and serve at his or her pleasure. The members of this Board shall receive no compensation for their services thereon. It shall be the duty of this Board to review and recommend to the Council adoption of such policies, procedures, rules and regulations, contract conditions, forms of agreement, etc., prepared by the Director of Internal Services which he or she deems necessary to carry out the general purchasing policy of the city. The Board, after full hearing and consideration and by affirmative vote of at least a majority of its full membership, may approve the purchase of special machinery and equipment and maintenance or replacement parts therefor or other special materials and supplies, having an exclusive source of supply, and may approve the hiring of particular chattels without competitive bidding. (Added in 1962 by Res. No. 11 as Sec. 144G; amended 8-10-81 by Res. No. 226; Res. No. 693, 4-4-00; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC16-8. Sale or other disposition of surplus, obsolete or unused property.

Surplus, obsolete or unused city property listed on the city's capital assets inventory shall be sold or otherwise disposed of only upon recommendation of the Director of Internal Services and after approval of the Council. If saleable, such property shall be sold for the city's account by the Department of Internal Services, subject to the applicable provisions of this Article as to competitive bidding; but if not saleable may be abandoned, destroyed or otherwise disposed of. (Added in 1962 by Res. No. 11 (See note (24)) as Sec. 144H; Res. No. 693, 4-4-00; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC16-9. Sale or other disposition of urban renewal property.

The provisions of this Article shall not apply to the sale or other disposition of urban renewal property, which shall be governed by the provisions of Article XIII of this Charter, except that the Director of Internal Services shall conduct such sales or other disposition of such urban renewal property for the city pursuant to said Article XIII. (Added in 1962 by Res. No. 11 as Sec. 144I; Res. No. 693, 4-4-00; Res. No. 1395, 05-30-06.)

Section SC16-10. City property inventory.

The Director of Internal Services shall prepare, prior to January 1, 1963, and thereafter maintain a permanent and perpetual inventory of all city properties classified as capital items (as distinguished from articles or materials and supplies consumed, converted or destroyed in their use or utilization), and such inventory shall show the location of such properties of the office, department or agency responsible therefor. He shall obtain the original information for such inventory from each office, department or agency head and thereafter shall require from each of them an annual report showing all gains and losses since last report. The Director of Internal Services shall maintain in his or her office an independent record of all purchases and sales, shall at least annually audit the inventory by checking departmental records and reports against his or her independent records and by field check of city properties and shall report in writing to the Mayor and Council any discrepancies. (Added in 1962 by Res. No. 11 as Sec. 144J; Res. No. 693, 4-4-00; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

ARTICLE XVII

Police Department

Section SC17-1. Chief of Police.

There shall be a Police Department headed by a Chief of Police. The Chief of Police shall be appointed by the Mayor with the advice and consent of a majority of the full Council and shall serve continuously unless terminated pursuant to § SC2-10. The compensation for the Chief shall be determined by a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter. (1959 Code, sec. 428. 1951, ch. 534, sec. 145.) (Amended 9-9-57 by Ord. No. 765A; Res. No. 1247, 7-12-05.)

Section SC17-2. Duties.

Under the authority of the Mayor and the direct supervision of the City Administrator, the Chief of Police in person or through his subordinates shall do the following:

A. He shall enforce the bylaws, resolutions and ordinances of the city and the laws of the State of Maryland relating to crimes and misdemeanors committed in the city. He shall subdue riots, disorders and disturbances of the peace and shall take into custody all persons so offending against the public peace. He shall arrest all persons who shall obstruct or interfere with the execution of his duties.

B. He shall attend upon any court having the enforcement of any such offenses and shall promptly and faithfully execute all writs and process issuing from the court.

C. He shall be in charge of traffic engineering, parking meters, street signs, traffic lights and other devices for traffic control.

D. He shall perform such other lawful duties as are imposed on him by the Mayor or by the Council.

E. He shall give bond in an amount to be set by the Council.

F. He shall take an oath as provided in § SC20-1 of this Charter. (1959 Code, sec. 429. 1951, ch. 534, sec. 146; Res. No. 1247, 7-12-05.)

Section SC17-3. Police Officers.

All officers and employees of the Police Department except the Chief shall be appointed as provided in § SC3-4C of this Charter. The number of police officers to be employed by the city shall be set by the Council. All police officers shall have the powers of constables in this state. (1959 Code, sec. 430. 1951, ch. 534, sec. 147; Res. No. 1247, 7-12-05.)

Section SC17-4. Special Police Officers.

The Mayor or, in his absence or disability, the President of the Council may appoint special police officers, with all the powers of regular police officers, for a term not exceeding thirty (30) days in cases of emergency. The appointing authority shall determine the compensation of the special police officers. (1959 Code, sec. 431. 1951, ch. 534, sec. 148; Res. No. 1247, 7-12-05.)

ARTICLE XVIII

Fire Department

Section SC18-1. Fire Chief.

There shall be a Fire Department headed by a Fire Chief. The Fire Chief shall be appointed by the Mayor with the advice and consent of a majority of the full Council and shall serve continuously unless terminated pursuant to § SC2-10. The compensation for the Chief shall be determined by a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4.C of the City Charter. (1959 Code, sec. 432. 1951, ch. 534, sec. 149.) (Amended 9-9-57 by Ord. No. 765A; Res. No. 1247, 7-12-05.)

Section SC18-2. Firefighters.

The city shall have the power to appoint as many full-time, paid officers and employees to serve in the Fire Department as the Council may decide. All full-time, paid officers and employees of the Fire Department, except the Fire Chief, shall be appointed as provided in § SC3-4C of this Charter. (1959 Code, sec. 433. 1951, ch. 534, sec. 150; Res. No. 1247, 7-12-05.)

Section SC18-3. Volunteer firefighters.

The city may use the services of as many special, part-time or volunteer firefighters as the Council deems necessary. All shall be under the direction and supervision of the Fire Chief. (1959 Code, sec. 434. 1951, ch. 534, sec. 151; Res. No. 1247, 7-12-05.)

ARTICLE XIX

Department of Parks and Public Property

Section SC19-1. Department of Parks and Public Property established.

When the Mayor and Council deem it advisable, the City may establish a Department of Parks and Public Property headed by a Director. The Director of this Department shall be appointed by the Mayor with the advice and consent of a majority of the full Council and shall serve continuously unless terminated pursuant to § SC2-10. The compensation for the Director shall be determined by a majority of the full Council. All subordinate personnel shall be appointed as provided in § SC3-4C of this Charter. (1959 Code, sec. 435. 1951, ch. 534, sec. 152; Res. No. 1247, 7-12-05.)

Section SC19-2. Duties.

Under the authority of the Mayor and the direct supervision of the City Administrator, the Director shall supervise and control all parks and playgrounds and such additional ones as may be acquired in the future by the city, and also shall supervise the management of the public lands and buildings owned by the city. (Res. No. 1247, 7-12-05.)

Section SC19-3. Possession.

All municipal property, franchises and funds of every kind now belonging to or in the possession of the Mayor and Council are vested in the City of Salisbury. (1959 Code, sec. 436. 1951, ch. 534, sec. 153; Res. No. 1247, 7-12-05.)

Section SC19-4. Property in trust.

The City of Salisbury may receive in trust and may control for the purpose of such trust all moneys or other property which may have been or shall be bestowed upon the city by will, deed or any other form of gift or conveyance, in trust, for any general purpose of education, or

for any charitable purposes of any description, within the City of Salisbury. (1959 Code, sec. 438. 1951, ch. 534, sec. 155; Res. No. 1247, 7-12-05.)

Section SC19-5. Protection.

The City of Salisbury shall have the power to do whatever may be necessary to protect public property and to keep all public property in good condition. (1959 Code, sec. 439. 1951, ch. 534, sec. 156; Res. No. 1247, 7-12-05.)

ARTICLE XX

Miscellaneous Provisions

Section SC20-1. Oath of office.

The following persons, before entering upon the duties of their offices, shall make oath before the Clerk of the Circuit Court for Wicomico County that they will diligently and faithfully, without partiality, favor or prejudice, and well and truly perform the duties of their office: the Mayor, the members of the Council, the City Administrator, the Director of Internal Services, the City Clerk, the City Solicitor, the members of the Board of Supervisors of Elections, the Judges of Election, the heads of all offices, departments and agencies of the city government and such other officers and employees of the city as the Council may require. Each oath shall be recorded in the office of the Clerk of the Circuit Court for Wicomico County. A certificate of each oath shall be returned by him to the Council and shall be recorded in the proceedings of the Council. Either of these records or a certified copy of either of them under seal may be used as evidence in any court in the state. (1959 Code, sec. 440. 1951, ch. 534, sec. 157; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC20-2. Ethics Commission.

There shall be an Ethics Commission which shall be organized as provided in Chapter 2.04 of the City Code. The duties, rules, and regulations of the Ethics Commission shall be set forth in Chapter 2.04 of the Code. (1959 Code, sec. 441. 1951, ch. 534, sec. 158; Res. No. 692, 3-14-00.)

Section SC20-3. Official bonds.

The Director of Internal Services and such other officers or employees of the city as the Council or this Charter may require shall give bond in such amount and with such surety as may be required by the Council. The premiums on such bonds shall be paid by the city. (1959 Code, sec. 442. 1951, ch. 534, sec. 159; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC20-4. Deeds.

No deed or deeds conveying real estate or chattels real, situated or located within the corporate limits of the City of Salisbury shall be admitted to record among the land records of

the Circuit Court for Wicomico County until the property thereby conveyed or assigned has been duly transferred upon the city assessment books in the office of the Director of Internal Services to the grantee or assignee named in such deed. Before such property shall be transferred on the assessment books, all city taxes, special assessments, water rents and other public charges due to the City of Salisbury for the current year and all prior years must be paid, and as evidence of such payment, the Director of Internal Services shall stamp upon the deed his certificate thereof. The Director of Internal Services shall further certify the fact of the transfer upon the deed, and the Clerk of the Circuit Court shall not record or accept for recording any deed without the certificates of the Director of Internal Services, as prescribed by this section. (1959 Code, sec. 443. 1951, ch. 534, sec. 160; Res. No. 1247, 7-12-05; Res. No. 1395, 05-30-06.)

Section SC20-5. Prior rights and obligations.

All right, title and interest held by the City of Salisbury or any other person or corporation on January 1, 1952, in and to any lien acquired under any prior Charter of the city, is hereby preserved for the holder in all respects as if this Charter had not been adopted, together with all rights and remedies in relation thereto. This Charter shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing at the time this Charter becomes effective. All suits and actions, both civil and criminal, pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance repealed by this Charter, shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Charter had not become effective. (1959 Code, sec. 444. 1951, ch. 534, sec. 161.)

Section SC20-6. Existing laws.

All laws in effect on January 1, 1952, relating or applicable to the City of Salisbury and not inconsistent with this Charter, shall remain in effect until changed or repealed by the General Assembly of Maryland. (1959 Code, sec. 445. 1951, ch. 534, sec. 162.)

Section SC20-7. Existing ordinances.

All ordinances, resolutions, rules and regulations in effect in the city on January 1, 1952, and which are not in conflict with the provisions of this Charter, shall remain in effect until amended, altered or repealed according to the provisions of this Charter. (1959 Code, sec. 446. 1951, ch. 534, sec. 163.)

Section SC20-8. Women.

Women shall be eligible for all municipal offices provided for in this Charter if they have the same qualifications required herein for men. Whenever the masculine gender has been used as to any such offices, it shall be construed to include the feminine gender. (1959 Code, sec. 447. 1951, ch. 534, sec. 164.)

Section SC20-9. Repealed. (Res. No. 711, 7-11-00.)

ARTICLE XXI
Charter Amendments
(See note (27))

Section SC21-1. Authorized.

Amendments to this Charter may be made as hereinafter provided, and such amendments shall have the same force of law as if they had been enacted by the General Assembly of the State of Maryland. The word “amendments” as used in this article shall include alterations and additions. (1959 Code, sec. 449. 1951, ch. 534, sec. 166.)

Section SC21-2. Council may amend Charter.

Amendments to this Charter shall be proposed and enacted in accordance with §§ 11-18 of Article 23A of the Annotated Code of Maryland as the same shall be amended from time to time. (1959 Code, sec. 450. 1951, ch. 534, sec. 167; Res. No. 687, 2-01-00.)

ARTICLE XXII
Legality

Section SC22-1. Inconsistent laws.

All acts and parts of acts, general or local, inconsistent with the provisions of this Charter, be and the same are hereby repealed to the extent of such inconsistency. Nothing contained herein shall affect or restrict any control which the State Board of Health is empowered by law to exercise in any part of this state. (1959 Code, sec. 453. 1951, ch. 534, sec. 170.)

Section SC22-2. Saving clause.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive, and the city shall have such other powers as are incident to those specifically mentioned or as are a necessary consequence of the powers herein conferred. In addition to the powers enumerated in this Charter, the city shall have all powers, rights and privileges now or hereafter granted by the Constitution and laws of the State of Maryland. (1959 Code, Sec. 454. 1951, ch. 534, sec. 171.)

Section SC22-3. Severability clause.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid shall appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the

section or part of section to which such holding shall directly apply. (1959 Code, sec. 455. 1951, ch. 534, sec. 172.)

APPENDIX I

Urban Renewal Authority for Slum Clearance

(See Note (29))

Section A1-101. Definitions.

- (a) In this appendix the following words have the meanings indicated.
- (b) “Federal Government” shall include the United States of America or any agency or instrumentality, corporate or otherwise, of the United States of America.
- (c) “Slum Area” shall mean any area where dwellings predominate which, by reason of their depreciation, overcrowding, faulty arrangement or design, lack of ventilation, light or sanitary facilities, or any combination of these factors, are detrimental to the public safety, health or morals.
- (d) “Blighted Area” shall mean an area in which a majority of buildings have declined in productivity by reason of their obsolescence, depreciation or other causes to an extent they no longer justify fundamental repairs and adequate maintenance.
- (e) “Urban Renewal Project” shall mean undertakings and activities of a municipality in an urban renewal area for the elimination and for the prevention of the development or spread of slums and blight, and may involve slum clearance and redevelopment in an urban renewal area, or rehabilitation or conservation in an urban renewal area, or any combination or part thereof in accordance with an urban renewal plan. Such undertakings and activities may include—
 - (1) acquisition of a slum area or a blighted area or portion thereof;
 - (2) demolition and removal of buildings and improvements;
 - (3) installation, relocation, construction or reconstruction of streets, utilities, parks, playgrounds, and other improvements necessary for carrying out in the urban renewal area the urban renewal objectives of this appendix in accordance with the urban renewal plan;
 - (4) disposition of any property acquired in the urban renewal area including sale, initial leasing or retention by the municipality itself, at its fair value for uses in accordance with the urban renewal plan;
 - (5) carrying out plans for a program of voluntary repair and rehabilitation of buildings or other improvements in accordance with the urban renewal plan;
 - (6) acquisition of any other property, right or interest, in the urban renewal area where necessary to eliminate unhealthful, unsanitary or unsafe conditions, lessen density, eliminate obsolete or other uses detrimental to the public welfare, or otherwise to remove or prevent the spread of blight or deterioration, or to provide land for needed public facilities; and

(7) the preservation, improvement or embellishment of historic structures or monuments.

(f) “Urban Renewal Area” shall mean a slum area or a blighted area or a combination thereof which the municipality designates as appropriate for an urban renewal project.

(g) “Urban Renewal Plan” shall mean a plan, as it exists from time to time, for an urban renewal project, which plan shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum density and building requirements.

(h) “Bonds” shall mean any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures or other obligations.

(i) “Person” shall mean any individual, firm, partnership, corporation, company, association, joint stock association, or body politic; and shall include any trustee, receiver, assignee, or other person acting in similar representative capacity.

(j) “Municipality” shall mean the City of Salisbury, a municipal corporation of this State.

Section A1-102. Powers.

The municipality is hereby authorized and empowered to carry out urban renewal projects which shall be limited to slum clearance in slum or blighted areas and redevelopment or the rehabilitation of slum or blighted areas; to acquire in connection with such projects, within the corporate limits of the municipality, land and property of every kind and any right, interest, franchise, easement or privilege therein, including land or property and any right or interest therein already devoted to public use, by purchase, lease, gift, condemnation or any other legal means; to sell, lease, convey, transfer or otherwise dispose of any of said land or property, regardless of whether or not it has been developed, redeveloped, altered or improved and irrespective of the manner or means in or by which it may have been acquired, to any private, public or quasi public corporation, partnership, association, person or other legal entity. No land or property taken by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers which by this appendix are granted to the municipality by exercising the power of eminent domain shall be taken without just compensation, as agreed upon between the parties, or awarded by a jury, being first paid or tendered to the party entitled to such compensation. All land or property needed or taken by the exercise of the power of eminent domain by the municipality for any of the aforementioned purposes or in connection with the exercise of any of the powers granted by this appendix is hereby declared to be needed or taken for public uses and purposes. Any or all of the activities authorized pursuant to this section shall constitute governmental functions undertaken for public uses and purposes and the power of taxation may be exercised, public funds expended and public credit extended in furtherance thereof. The municipality is hereby granted the following additional powers which

are hereby found and declared to be necessary and proper to carry into full force and effect the specific powers hereinbefore granted and to fully accomplish the purposes and objects contemplated by the provisions of this section:

(a) to make or have made all surveys and plans necessary to the carrying out of the purposes of this appendix and to adopt or approve, modify and amend such plans, which plans may include but shall not be limited to:

(1) plans for carrying out a program of voluntary repair and rehabilitation of buildings and improvements,

(2) plans for the enforcement of codes and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the repair, rehabilitation, demolition, or removal of buildings and improvements, and

(3) appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of urban renewal projects and related activities; and to apply for, accept and utilize grants of funds from the Federal Government for such purposes;

(b) to prepare plans for the relocation of persons (including families, business concerns and others) displaced from an urban renewal area, and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise [otherwise] made, including the making of such payments financed by the Federal Government;

(c) to appropriate such funds and make such expenditures as may be necessary to carry out the purposes of this appendix including, but not limited to, the payment of any and all proper costs and expenses incurred in connection with, or incidental to, the acquisition of land or property, as aforesaid, and for the demolition, removal, relocation, renovation or alteration of land, buildings, streets, highways, alleys, utilities or services, and other structures or improvements, and for the construction, reconstruction, installation, relocation or repair of streets, highways, alleys, utilities or services, in connection with urban renewal projects, and to levy taxes and assessments for such purposes; to borrow money and to apply for and accept advances, loans, grants, contributions and any other form of financial assistance from the Federal Government, the State, County or other public bodies, or from any sources, public or private, for the purposes of this appendix, and to give such security as may be required therefore; to invest any urban renewal funds held in reserves or sinking funds or any such funds not required for immediate disbursement, in property or securities which are legal investments for other municipal funds.[]

(d) to hold, improve, clear or prepare for redevelopment any property acquired in connection with urban renewal projects; to mortgage, pledge, hypothecate or otherwise encumber such property; to insure or provide for the insurance of such property or operations of the municipality against any risks or hazards, including the power to pay premiums on any such insurance;

(e) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers under this appendix, including the power to enter into agreements with other public bodies or agencies (which agreements may extend over any period, notwithstanding any provision or rule of law to the contrary), and to include in any contract for financial assistance with the Federal Government for or with respect to an urban renewal project and related activities such conditions imposed pursuant to Federal laws as the municipality may deem reasonable and appropriate;

(f) at reasonable hours to enter into any building or property in any urban renewal area in order to make inspections, surveys, appraisals, soundings or test borings, and to obtain an order for this purpose from the Circuit Court for the county in which the municipality is situated in the event entry is denied or resisted;

(g) to plan, replan, open, install, construct, relocate, widen, repair, close or vacate streets, roads, sidewalks, public utilities, parks, playgrounds, and other public improvements in connection with an urban renewal project;

(h) to generally organize, coordinate and direct the administration of the provisions of this appendix as they apply to the municipality in order that the objective of remedying slum and blighted areas and preventing the causes thereof within the municipality may be most effectively promoted and achieved; and

(i) to exercise all or any part or combination of powers herein granted.

Section A1-103. Exercise of Urban Renewal Powers.

The municipality shall itself exercise all the powers granted by this appendix.

Section A1-104. Initiation of Project.

In order to initiate an urban renewal project, the Council of the municipality shall adopt a resolution which;

(a) finds that one or more slum or blighted areas exist in the municipality;

(b) locates and defines the said slum or blighted areas; and

(c) finds that the rehabilitation, redevelopment, or a combination thereof, of such area or areas, is necessary in the interest of the public health, safety, morals or welfare of the residents of the municipality.

Section A1-105. Preparation and Approval of Plan for Urban Renewal Project.

The municipality, in order to carry out the purposes of this appendix, shall prepare or cause to be prepared an urban renewal plan for slum or blighted areas in the municipality, and shall formally approve such plan. Prior to its approval of an urban renewal project, the

municipality shall submit such plan of the planning body of the municipality, for review and recommendations as to its conformity with the master plan for the development of the municipality as a whole. The planning body shall submit its written recommendation with respect to the proposed urban renewal plan to the municipality within sixty days after receipt of the plan of review; upon receipt of the recommendations of the planning body or, if no recommendations are received within said sixty days, then without such recommendations, the municipality may proceed with a public hearing on the proposed urban renewal project. The municipality shall hold a public hearing on an urban renewal project after public notice thereof by publication in a newspaper having a general circulation within the corporate limits of the municipality. The notice shall describe the time, date, place, and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration. Following such hearing, the municipality may approve an urban renewal project and the plan therefor if it finds that: (1) a feasible method exists for the location of any families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan substantially conforms to the master plan of the municipality as a whole; and (3) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise.

An urban renewal plan may be modified at any time, provided that if modified after the lease or sale of property in the urban renewal project area, the modification may be conditioned upon such approval of the owner, lessee or successor in interest as the municipality may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert. Where the proposed modification will substantially change the urban renewal plan as previously approved by the municipality, the modification shall be formally approved by the municipality, as in the case of an original plan.

Upon the approval by the municipality of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area and the municipality may then cause such plan or modification to be carried out in accordance with its terms.

Section A1-106. Disposal of Property in Urban Renewal Area.

(a) The municipality may sell, lease or otherwise transfer any property or any interest therein acquired by it for an urban renewal project, for residential, recreational, commercial, industrial, educational or other uses or for public use, or may retain such property or interest for public use, in accordance with the urban renewal plan, subject to such covenants, conditions and restrictions, including covenants running with the land, as it may deem to be necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this appendix. The purchasers or lessees and their successors and assigns shall be obligated to devote such property only to the uses specified in the urban renewal plan, and may be obligated to comply with such other requirements as the municipality may determine to be in the public interest, including the type and design of structures and the

obligation to begin with [within] a reasonable time any improvements on or to such property as may be required by the urban renewal plan. Such property or interest shall be sold, leased, otherwise transferred, or retained at not less than its fair value for uses in accordance with [the] urban renewal plan. In determining the fair value of property for uses in accordance with the urban renewal plan, the municipality shall take into account and give consideration to the uses provided in such plan; the restrictions upon, and the covenants, conditions and obligations assumed by the purchaser or lessee or by the municipality retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. The municipality in any instrument of conveyance to a private purchaser or lessee shall provide that such purchaser or lessee shall be without power to sell, lease or otherwise transfer the property without the prior written consent of the municipality until he has completed the construction of any or all improvements which he has obligated himself to construct thereon. Property acquired by the municipality which, in accordance with the provisions of the urban renewal plan, is to be transferred shall be transferred as rapidly as feasible in the public interest consistent with the carrying out of the provisions of the urban renewal plan. Any contract for such transfer and the urban renewal plan (or such part or parts of such contract or plan as the municipality may determine) may be recorded in the Land Records of the county in which the municipality is situated in such manner as to afford actual or constructive notice thereof.

(b) The municipality may dispose of property in an urban renewal area to private persons only under such competitive bidding procedures as hereinafter provided in this subsection. The municipality may, by public notice by publication in a newspaper having a general circulation in the community (not less than sixty days prior to the execution of any contract to sell, lease or otherwise transfer property and prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section) invite proposals from and make available all pertinent information to private redevelopers or any persons interested in undertaking to redevelop or rehabilitate an urban renewal area, or any part thereof. Such notice shall identify the area, or portion thereof, and shall state that proposals shall be made by those interested within a specified period of not less than sixty days after the first date of publication of said notice, and that such further information as is available may be obtained at such office as shall be designated in said notice. The municipality shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out, and may negotiate with any persons for proposals for the purchase, lease or other transfer of any property acquired by the municipality in the urban renewal area. The municipality shall accept the highest and best bid or proposal, provided that the bidder's responsibility shall be demonstrated by either; (1) a deposit of 10% of the bid price, or (2) a satisfactory bid and performance bond or bonds. Thereafter, the municipality may execute and deliver contracts, deeds, leases and other instruments and take all steps necessary to effectuate such transfers.

(c) The municipality may temporarily operate and maintain property acquired by it in an urban renewal area for or in connection with an urban renewal project pending the disposition of the property as authorized in this appendix, without regard to the provisions of subsection (a) above, for such uses and purposes as may be deemed desirable even though not in conformity with the urban renewal plan.

(d) Any instrument executed by the municipality and purporting to convey any right, title or interest in any property under this appendix shall be conclusively presumed to have been executed in compliance with the provisions of this appendix insofar as title or other interest of any bona fide purchasers, lessees or transferees of such property is concerned.

Section A1-107. Eminent Domain.

Condemnation of land or property under the provisions of this appendix shall be in accordance with the procedure provided in the Real Property Article of the Annotated Code of Maryland.

Section A1-108. Encouragement of Private Enterprise.

The municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this appendix, shall afford maximum opportunity, consistent with the sound needs of the municipality as a whole, to the rehabilitation or redevelopment of any urban renewal area by private enterprise. The municipality shall give consideration to this objective in exercising its powers under this appendix.

Section A1-109. General Obligation Bonds.

For the purpose of financing and carrying out of an urban renewal project and related activities, the municipality may issue and sell its general obligation bonds. Any bonds issued by the municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by applicable law for the issuance and authorization of general obligation bonds by such municipality, and also within such limitations as shall be determined by said municipality. Bonds issued under the provisions of this Section are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

Section A1-110. Revenue Bonds.

(1) In addition to the authority conferred by Section A1-109 of this appendix, the municipality shall have power to issue and sell revenue bonds to finance the undertaking of any urban renewal project and related activities, and shall also have power to issue and sell refunding revenue bonds for the payment or retirement of such revenue bonds previously issued by it. Such revenue bonds shall be made payable, as to both principal and interest, solely from the income, proceeds, revenues, and funds of the municipality derived from or held in connection with its undertaking and carrying out of urban renewal projects under this appendix; provided, however, that payment of such bonds, both as to principal and interest, may be further secured by a pledge of any loan, grant or contribution from the Federal Government or other source, in aid of any urban renewal projects of the municipality under this appendix, and by a mortgage of any such urban renewal projects, or any part thereof, title to which is in the municipality. In addition, the municipality may enter into an Indenture of Trust with any private banking institution of this State having trust powers and may make in such indenture of trust such covenants and commitments as may be required by any purchaser for the adequate security of said bonds.

(2) Bonds issued under this section shall not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, shall not be subject to the provisions of any other law or charter relating to the authorization, issuance or sale of bonds, and are hereby specifically exempted from the restrictions contained in Sections 9, 10 and 11 of Article 31 of the Annotated Code of Maryland, 1957 Edition, as amended. Bonds issued under the provisions of this section are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, shall be exempted from all taxes.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the council of the municipality and may be issued in one or more series and shall bear such date or dates, shall mature at such time or times, bear interest at such rate or rates, not exceeding six per centum per annum, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium or payment, at such place or places, and be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics, as may be provided by such resolution or trust indenture or mortgage issued pursuant thereto.

(4) Such bonds may be sold at not less than par at public sales held after notice published prior to such sale in a newspaper having a general circulation in the area in which the municipality is located and in such other medium of publication as the municipality may determine or may be exchanged for other bonds on the basis of par; provided, that such bonds may be sold to the Federal Government at private sale at not less than par, and, in the event less than all of the authorized principal amount of such bonds is sold to the Federal Government, the balance may be sold at private sale at not less than par at an interest cost to the municipality of not to exceed the interest cost to the municipality of the portion of the bonds sold to the Federal Government.

(5) In case any of the public officials of the municipality whose signatures appear on any bonds or coupons issued under this section shall cease to be such officials before the delivery of such bond or, in the event any such officials shall have become such after the date of issue thereof, said bonds shall nevertheless be valid and binding obligations of said municipality in accordance with their terms. Any provision of any law to the contrary notwithstanding, any bonds issued pursuant to this section shall be fully negotiable.

(6) In any suit, action or proceeding involving the validity or enforceability of any bond issued under this section or the security therefor, any such bond reciting in substance that it has been issued by the municipality in connection with an urban renewal project, as herein defined, shall be conclusively deemed to have been issued for such purpose and such project shall be conclusively deemed to have been planned, located and carried out in accordance with the provisions of this appendix.

Section A1-111. Bonds As Legal Investments.

All banks, trust companies, bankers, savings banks and institutions, building and loan associations, investment companies and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries, may legally invest any sinking funds, monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the municipality pursuant to this appendix, provided that such bonds and other obligations shall be secured by an agreement between the issuer and the Federal Government in which the issuer agrees to borrow from the Federal Government and the Federal Government agrees to lend to the issuer, prior to the maturity of such bonds or other obligations, monies in an amount which (together with any other monies irrevocably committed to the payment of principal and interest on such bonds or other obligations) will suffice to pay the principal of such bonds or other obligations with interest to maturity thereon, which monies under the terms of said agreement are required to be used for the purpose of paying the principal of and the interest on such bonds or other obligations at their maturity. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize any persons, political subdivisions and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

Section A1-112. Separability.

If any provision of this appendix, or the application thereof to any person or circumstances, is held invalid, the remainder of this appendix and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. The powers conferred by this appendix shall be in addition and supplemental to the powers conferred by any other law.

Section A1-113. Short Title.

This appendix shall be known and may be cited as the Salisbury Urban Renewal Authority for Slum Clearance Act.

Section A1-114. Authority to Amend or Repeal.

This appendix, enacted pursuant to Article III, Section 61 of the Constitution of Maryland, may be amended or repealed only by the General Assembly of Maryland.

NOTES

(1) The following corporate limits are a description of the boundaries of the City of Salisbury as existing on 9-11-86. Said limits include the following annexations: Northwood Annexation, Beaverdam Annexation, East Main Street Annexation, Moss Hill Lane Annexation, College Avenue Area Annexation, Moss Hill Area No. 2 Annexation, Canal Park Area Annexation, Fairground Annexation, North Route 13 Annexation No. 1, South Schumaker Annexation, Glen Avenue Annexation No. 3, Salisbury Mall Annexation, Route 50 East Annexation, Schumaker Annexation, Schumaker Woods Annexation, Lake Street Annexation, Centenary Drive Annexation, Naylor Mill Park Annexation, and Dykes Road Annexation.

(2) Former §§ SC1-3 through SC1-16 were superseded by the corporate limits set forth in § SC1-2 of this Charter, as said limits existed on 3-13-80. The former section titles and histories were as follows: § SC1-3, Boundaries; Northwood Annexation, added 3-25-68 by Res. No. 104; § SC1-4, Boundaries; Beaverdam Annexation, added 5-11-70 by Res. No. 127, amended 6-22-70 by Res. No. 132; § SC1-5, Boundaries; East Main Street Annexation, added 5-11-70 by Res. No. 128; § SC1-6, Boundaries; Moss Hill Lane Annexation, added 5-11-70 by Res. No. 129; § SC1-7, Boundaries; College Avenue Area Annexation, added 8-24-70 by Res. No. 135; § SC1-8, Boundaries; Moss Hill Area No. 2 Annexation, added 2-8-71 by Res. No. 139; § SC1-9, Boundaries; Canal Park Area Annexation, added 10-11-71 by Res. No. 151; § SC1-10, Boundaries; Fairground Annexation, added 3-12-73 by Res. No. 165; § SC1-11, Boundaries; North Route 13 Annexation No. 1, added 3-12-73 by Res. No. 166; § SC1-12, Boundaries; South Schumaker Annexation, added 1-28-74 by Res. No. 173; § SC1-13, Boundaries; Glen Avenue Annexation No. 3, added 9-23-74 by Res. No. 179; § SC1-14, Boundaries; Salisbury Mall Annexation, added 9-23-74 by Res. No. 180; § SC1-15, Boundaries; Route 50 East Annexation, added 4-28-76 by Res. No. 189; and § SC1-16, Boundaries; Schumaker Annexation, added 8-9-76 by Res. No. 192.

(3) Former § SC1-16.1, Boundaries; Schumaker Woods Annexation, added 5-14-79 by Res. No. 207, was superseded by the corporate limits set forth in § SC1-2 of this Charter, as said limits existed on 3-13-80.

(4) The preamble to Res. No. 59, adopted 7-12-65, was as follows:

“Whereas, the present salary rates of councilmen and the mayor as compensation for their services were established in Sections 8 and 22 respectively of the Charter of the City of Salisbury over thirteen years ago; and

“Whereas, during such period of time the volume and complexity of the City’s business and affairs has increased greatly, and such increase is continuing, with the result that the City’s demands on the councilmen and the mayor for their services and time have increased substantially and are likely to continue to increase; and

“Whereas, the rates of compensation for personal services of all kinds in the community have increased greatly during the same period; and

“Whereas, in the judgment of the Council it is both proper and equitable that the salaries aforementioned be increased to reflect the trend of the times and especially in view of the ever-increasing demand on their time in attending to matters of public business.”

(5) The preamble to Res. No. 172, adopted 11-12-73, was as follows:

“WHEREAS, the present salary rates of Councilmen and the Mayor as compensation for their services were established in Sections 8 and 22 respectively of the Charter of the City of Salisbury over five years ago; and

“WHEREAS, during such period of time the volume and complexity of the City’s business and affairs has increased greatly, and such increase is continuing, with the result that the City’s demands on the Councilmen and the Mayor for their services and time have increased substantially and are likely to continue to increase; and

“WHEREAS, the rates of compensation for personal services of all kinds in the community have increased greatly during the same period; and

“WHEREAS, in the judgment of the Council it is both proper and equitable that the salaries aforementioned be increased to reflect the trend of the times and especially in view of the ever-increasing demand on their time in attending to matters of public business.”

(6) The preamble to Res. No. 25, adopted 9-9-63, was as follows (and note that this resolution also amended original Sections 42 and 46, below):

“Whereas, confusion and dissatisfaction has been caused in the minds of the public and inconvenience to the public has resulted from the fact that State-wide law now fixes County registration and primary election dates for County voters in April and May of even numbered years, and the provisions of the City’s Charter fix dates in March and April for Citywide registration of City voters and City primary and general elections (the second Tuesday in April being thus fixed as the date for both County registration and the City primary), and it is believed desirable and in the public interest that the City’s Charter be amended so as to advance the City’s registration and election dates to the months of February and March in order to avoid any conflict and confusion with the County’s dates fixed by State-wide law.”

(7) The preamble to Res. No. 178, adopted 7-22-74, was as follows:

“WHEREAS, past experience dictates that improvements should be made in the procedures governing City elections, and

“WHEREAS, it is deemed to be necessary and desirable that certain election functions, particularly in registration, could be performed by the Wicomico County Election Board, thus eliminating the requirement of dual registration.”

(8) Former § SC6-7, Notice of registration, 1959 Code, sec. 319. 1951, ch. 534, sec. 38, was repealed 6-28-77 by Res. No. 197.

(9) The preamble to Res. No. 27, adopted 9-23-63, was as follows (and note that this resolution also amended the sections numbered originally as 76, 87, 91, and 93):

“Whereas the fiscal year of the City of Salisbury now covers the calendar year period January first to December thirty-first; and

“Whereas the General Assembly of Maryland enacted a law, Chapter 825 of the Acts of 1963, hereinafter called the Act, which requires that all municipalities adopt a uniform fiscal year running from July first to June thirtieth following, and allowing a transitional period from June 1, 1963 to June 30, 1966 for the change-over for those not now using this prescribed fiscal year; and

“Whereas the Act authorizes a fractional levy or levies for a portion or portions of the transitional period and prescribes that if taxes are levied for a fraction of a year, they shall be due and payable on the first day of the third month following the beginning of such fraction of a year; and

“Whereas the Council of The City of Salisbury, with a view to making the change without delay, and with the least inconvenience to the taxpayers, has elected to make a fractional levy to cover the period from January 1, 1964 to June 30, 1964, and has prescribed that taxes for this fractional period shall be due and payable on and after April 1, 1964, and if unpaid by June 1, 1964 shall be subject to payment of interest at the rate of one-half of one per cent for each month or fraction of a month thereafter until paid.”

(10) The preamble to Res. No. 75, adopted 3-14-66, was as follows:

“WHEREAS, it is believed that the role of the Planning Commission would be strengthened and made more effective in carrying out the City’s master plan or comprehensive plan by requiring capital projects to be submitted to the Planning Commission for review and recommendation prior to their being submitted to the Council with the budget, and that it would be in the public interest to require that separate copies be prepared of the capital budget as finally passed by the Council for distribution to interested persons; and

“WHEREAS, in the judgment of the Council, it is in the public interest to make the aforementioned provisions.”

(11) Former § SC-37, When taxes are overdue, as last amended 9-23-63 by Res. No. 27, was deleted as having been superseded by State Law Article 81, Section 48(g) of the Annotated Code of Maryland.

(12) See §§ 70 through 123 of Article 81 of the 1957 Edition of the Annotated Code of Maryland.

(13) The preamble to Res. No. 10, adopted 3-26-62, was as follows:

“Whereas, pursuant to Article XII–A of its Charter, entitled “Redevelopment–Urban Renewal”, which became effective June 1, 1961, being Chapter 842 of the Acts of the General Assembly of Maryland, 1961 Session, The City of Salisbury was empowered in connection with urban renewal projects to issue and sell revenue bonds in addition to its general obligation or full faith and credit bonds, but the City lacks power to issue and sell revenue bonds for its general corporate purposes other than such urban renewal projects; and

“Whereas, Section 38 of Article 23A of the Maryland Code of Public General Laws (1957 Edition) authorizes the amendment of municipal charters to provide the power to issue and sell revenue bonds for general municipal purposes; and

“Whereas, this Council believes that the encouragement of industrial development within the area of The City of Salisbury and its immediate environs, by the attraction of new industries to locate therein, directly benefits the citizens of The City of Salisbury, in that it furnishes employment opportunities, tends to increase trade and business of all kinds, and to stabilize and enhance property values, and reduce unemployment and the depressing effects thereof on business, property values and tax and revenue collections, and this Council further believes that the borrowing of money by The City of Salisbury to promote and encourage industrial development within such area is for an essential public and governmental purpose, and necessary for the general welfare of the City for the reasons aforesaid; and

“Whereas, this Council therefore believes that it is in the public interest to amend Sections 100, 101 and 102A of its Charter to give the City power to borrow money through the issuance and sale of revenue bonds for its general corporate purposes (including promotion and encouragement of industrial development within the area aforesaid) other than urban renewal projects, and to provide that such bonds shall not constitute an indebtedness of the City within the meaning of the Section 102A debt limitation of seven and one–half percent of assessed taxable property.”

(14) The preamble to Res. No. 60, adopted 8–23–65, was as follows:

“WHEREAS, under Section 101(i) of the City’s Charter relating to payment, effect, terms, conditions, security etc., of revenue bonds, no specific provision is made, in the establishment of security for such revenue bonds, for the assignment and pledge of rental rates, rental fees, charges or other revenues received by the City from parking facilities (including, but not limited to, curb meter collections); and

“WHEREAS, in the judgment of the Council, it is in the public interest to add the aforementioned provisions.”

(15) The preamble to Res. No. 76, adopted 3–14–66, was as follows:

“WHEREAS, in the judgment of the Council, it is in the public interest to provide that revenue bonds issued to finance parking facilities may be secured, in addition to other security provided by Section 101(i) of the City’s Charter, by the agreement of the City to pay any deficiency in debt service requirements, provided, that any payment under such agreement or

agreements shall not exceed a maximum payment of Ten Thousand Dollars (\$10,000.00) for any one year; and

“WHEREAS, in the judgment of the Council, it is in the public interest further to define the term “parking facilities” as used in said Section 101(i).”

(16) The amendment to this section by Ord. No. 734, adopted 10-24-55, removed the requirement for a referendum.

(17) The preamble to Res. No. 4, adopted 1-9-61, was as follows:

“Whereas the provisions of Section 114(3) and Section 122 of the Charter of The City of Salisbury (being, respectively, Sections 396(3) and 404 of the Code of Public Local Laws of Wicomico County, 1959 Edition) vest in the Director of Public Works, the obligation, duty and authority to enforce the City’s building and plumbing codes and to approve proposed subdivision and resubdivision of land within the City; but it is believed by the Council that it is desirable and in the best interest of The City of Salisbury and the residents thereof that such obligation, duty and authority henceforth be exercised, in part, by the Salisbury Planning Commission (as to approval of proposed subdivision and re-subdivision of land within the City), and, in part, by a new Bureau of Inspections to be created and to be headed by the Building Inspector (with respect to enforcement of the City’s building and plumbing codes), wherefore it is necessary to amend said Charter provisions.”

(18) The preamble to Res. No. 12, adopted 9-10-62, was as follows:

“Whereas, several different assessment procedures are now set forth in the City’s Charter with respect to various categories of public works or public improvements, which are variously defined therein, and limitations are contained in Section 117(e) thereof on certain types of assessments, and the Council believes that it is desirable and in the public interest that such different procedures, definitions and limitations be harmonized and clarified; and

“Whereas, under Section 142A of the City’s Charter (being Section 425 of the Wicomico County Code 1959) relating to special assessment districts for off-street parking facilities, the City’s authority to levy special taxes in any such special assessment district is limited to the annual rate of thirty cents per one hundred dollars of assessed valuation and the purpose of such districts is limited to the acquisition and development of off-street parking facilities therein; and

“Whereas, pursuant to such Charter authority, the City has established one such district, Parking District No. 1, which has been in operation for approximately two years and which contains off-street parking facilities acquired with the proceeds of an issue of bonds sold by the City in 1960 and designated “Salisbury, Maryland, Parking Facility Bonds of 1960”, dated January 15, 1960, maturing serially over a period of twenty-three years beginning with the year 1960 to and including the year 1984, and bearing interest at rates ranging from three and three-fourths (3 3/4) per centum to four (4) per centum per annum; and

“Whereas, in the judgment of the Council, the City’s experience in the operation of said Parking District No. 1 demonstrates a need to increase the maximum permissible annual special tax rate in such districts to sixty cents per one hundred dollars of assessed valuation (in order that bonds serviced by district revenues including such special taxes will be better secured and more readily marketable, will bear lower rates of interest and can be paid off in a shorter period of years, thereby reducing interest costs to the district) and to provide further flexibility by adding to the off-street parking facilities now authorized other public improvements as hereinafter defined.”

(19) The preamble to Res. No. 73, adopted 1–10–66, was as follows:

“WHEREAS, under Article XI, „Public Ways and Sidewalks“ of the Charter of the City of Salisbury, the City is empowered to lay out, construct, and maintain public ways, public squares, and watercourses, but is not specifically so empowered with respect to bridges, which in some cases are necessary parts of public ways; and

“WHEREAS, in the judgment of the Council it is in the public interest to add similar specific power as to bridges.”

(20) See § 43 of Article 89B of the 1957 Edition of the Annotated Code of Maryland.

(21) The preamble to Res. No. 7, adopted 7–10–61, was as follows:

“Whereas Section 137 of the City’s Charter (being Section 419 of the Code of Public Local Laws of Wicomico County, 1959 Edition) grants power to the City of Salisbury to extend its water or sewerage systems beyond the City limits, and various extensions of such systems have been made from time to time heretofore and are now supplying water or sewerage service to areas outside the corporate limits; and

“Whereas Section 138 of the City’s Charter (being Section 420 of the Code of Public Local Laws of Wicomico County, 1959 Edition) prohibiting the construction of private water, sewerage and drainage systems without the written consent of and under rules prescribed by the Department of Public Works by its terms applies only to areas within the City limits which have been supplied with water or sewerage systems; and

“Whereas it is believed that the said prohibition against such private construction should extend also to areas outside the corporate limits which have been supplied by the City with water or sewerage systems because the dangers of pollution and unauthorized use of the City’s water or sewerage systems from unauthorized private systems are equally as great in such areas beyond the corporate limits, and the difficulties to the Department of Public Works of making proper inspections and enforcing adequate supervision and controls are greater in such areas outside the corporate limits.”

(22) Repealed by Acts 1972, ch. 349, § 1. See RP, § 12–101 et seq.

(23) The preamble to Res. No. 53, adopted 4–26–65, was as follows:

“Whereas, under Section 142A of the City’s Charter relating to special assessment district for off–street parking and other types of facilities in such areas of special benefit thereto and tending to improve or stabilize the businesses and properties located therein, the City’s authority to levy special taxes in any such special assessment district is limited to the annual rate of sixty cents per one hundred dollars of assessed valuation for the purpose of defraying part or all of the cost of acquisition and development of said facilities; and

“Whereas, pursuant to such Charter authority, the City has established one such district, Parking District No. 1, which has been in operation for about five years and which contains off–street parking facilities; and

“Whereas, it is proposed to extend the limits of Parking District No. 1, and to create another parking district in the downtown area East thereof; and

“Whereas, the City plans to add additional facilities under this authority by acquisitions and developments in connection with current Federal Urban Renewal programs; and

“Whereas, in the judgment of the Council, the City’s experience in the operation of Parking District No. 1 demonstrates the necessity of increasing the maximum permissible annual tax rate in such districts, in order that bonds serviced by district revenues, including such special taxes, will be better secured and more readily marketable, will bear lower rates of interest and can be paid off in a shorter period of years, thereby reducing the costs to the districts of such improvements.”

(24) Resolution No. 11, adopted in 1962, repealed the sections in this charter initially numbered 26, 27, 28, 124, 130, 144, and 154, and enacted this Article XVI.

The preamble to Res. No. 11 was as follows:

“Whereas, under present Charter provisions, the Executive Secretary to the Mayor is also purchasing agent for the City, but because of the pressure of other important duties has been unable to devote the time necessary to do an effective purchasing job, and has with Council approval decentralized the purchasing activity; and

“Whereas, the Council believes that the City, because of the size of its budget and the many functions and services it performs, can no longer operate effectively and economically without centralized purchasing under the direction of a full time qualified purchasing agent, and the Council believes that among the many advantages of modern centralized purchasing procedure are the following:

Centralization of authority over purchases;

Employment of competent purchasing personnel;

Standardization of specifications to reduce commodities to a minimum and assure the quality of goods;

Consolidation of requirements into bulk purchases in order to obtain quantity prices;

Stimulation of competitive bidding to reduce prices;

Inspection and testing of goods delivered to enforce compliance with specifications and terms of contracts;

Centralized control over supplies in storerooms and warehouses;

Centralized control over excess, obsolete, and salvage goods;

Prompt payment of bills, thereby earning cash discounts;

Transfer of usable supplies from one using agency to another;

Elimination of unnecessary purchases;

Elimination of unnecessary paper work; and

Elimination of favoritism and connivance in public purchasing; and

“Whereas, provisions relating to purchasing and public contracts are contained in several articles of the City’s Charter, and the Council believes that it would be desirable in the interest of clarity to repeal same and enact a new article collecting and containing the provisions relative thereto, and including a provision for the establishment and perpetuation of a permanent inventory of city property.”

(25) The preamble to Res. No. 21, adopted 6–3–63, was as follows:

“Whereas, since Subsection 6 of Section 144C of the Charter became effective on July 17, 1962, experience has demonstrated that the offering of surplus City real estate for sale or lease pursuant to public competitive bids frequently accomplishes nothing because no bids are received; and the result in such cases is to inhibit desirable private development of said properties because the City is prevented from negotiating with interested individuals for their acquisition and development thereof; and

“Whereas, the Council therefore believes it desirable and in the public interest that said Subsection 6 of Section 144C be repealed and re-enacted in order to provide that surplus City real estate which the Council determines properly should be sold or otherwise disposed of shall first be offered publicly for competitive bidding on reasonable terms to be fixed by the Council, and if such offering produces no acceptable bid, that same may then be sold or otherwise disposed of pursuant to a negotiated contract without competitive bidding within a period of six (6) months following the bidding date.”

(27) The provisions of this subheading have been modified by the adoption of Article 11E of the Constitution of Maryland and by the enactment of Secs. 11–18 of Art. 23A of the Annotated Code of Maryland (1957 Edition). For a case holding that Art. 23A, Secs. 11–18, implementing Art. 11E, Sec. 4 of the Constitution, occupy the whole field of amendments to charters of municipalities and supersede local Charter provisions on that subject, see *Hitchens v. City of Cumberland*, 208 Md. 134, 117A.2d 854 (1955).

(28) Resolution No. 350, effective October 31, 1989, repealed and reenacted § SC1–2 in its entirety in order to eliminate the requirements for a metes and bounds description of the City limits as part of the Charter for the City. In lieu of a metes and bounds description, the Charter simply requires that the courses and distances which show the exact corporate limits of the City, as amended from time to time, be filed with the Clerk of the Circuit Court for Wicomico County, with the Department of Legislative Services, and be on file in the City offices.

(29) Pursuant to Article III, Section 61 of the Maryland Constitution, the General Assembly of Maryland granted urban renewal powers for slum clearance to the City of Salisbury in Chapter 842 of the Acts of the General Assembly of 1961.

Starting with the 1997 Supplement to the *Public Local Laws of Maryland – Compilation of Municipal Charters*, the urban renewal powers for slum clearance for the City of Salisbury [Salisbury] appear as this appendix in accordance with 80 *Opinions of the Attorney General* _____ (1995) [Opinion No. 95–037 (September 21, 1995)] and Sections 10 and 11 of Chapter 14 of the Acts of the General Assembly of 1997.

Formerly, the urban renewal powers appeared as Article XIII of this Charter.

(30) Resolution No. 688, effective February 29, 2000, repealed and renumbered the sections under Article VI concerning elections. Specifically, the resolution repealed, in their entirety, Section(s) SC6–6 through SC6–9, SC6–12, SC6–13, SC6–17 through SC6–19, and SC6–22 through SC6–24, and renumbered the remaining sections.